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SOUTHEAST REGIONAL ADVISORY COUNCIL
PUBLIC MEETING

Saxman Community Hall
Saxman, Alaska
March 11, 1998 - 9:00 a.m.

VOLUME III

COUNCIL MEMBERS PRESENT:

- Mr. William C. Thomas, Sr. - Chairman
- Ms. Dolly Garza - Vice Chairman
- Ms. Patricia A. Phillips - Secretary
- Mr. Herman Kitka, Sr.
- Ms. Mary Rudolph
- Ms. Mim McConnell
- Mr. John Vale
- Mr. Gabriel D. George
- Mr. John Feller
- Ms. Vicki LeCornu
- Mr. Jeff G. Nickerson
- Mr. Lonnie Anderson (Telephonically)
- Mr. Fred Clark - Coordinator

P R O C E E D I N G S

(On record - 9:00 a.m.)

CHAIRMAN GARZA: We'll call the meeting back to order.

Well, I assume everybody met in caucus last night and we've resolved the issues on Proposals 9 through 12 since Jeff and Vicki are sitting so close together and smiling. If we look at the agenda we have hardly touched it and today is the last day so we have a very long day. It has been suggested that we order in for lunch and work through lunch so that people who need to get out of here and get back to work or off to the basketball tournament in Sitka can get back to it. Is there anyone who objects to working through lunch and having lunch ordered in? Okay, then we will do that and Fred's going to talk to somebody about figuring out where we can order from. My suggestion was Mamma Diaz, but people may have other interests.

MR. THOMAS: There are no fund-raisers today?

CHAIRMAN GARZA: Fred.

MR. CLARK: I've asked a couple Forest Service employees to get that arranged for us.

CHAIRMAN GARZA: Okay. I don't think there's a catered lunch today?

MR. THOMAS: No fund-raiser, um, okay.

CHAIRMAN GARZA: Okay. So we will move into Council deliberations on Proposal 9 through 12. Hopefully we'll be able to move beyond that before lunch. I've been told by Mr. Knauer that he needs to present on Item 8(A), the Proposed Rule for Federal Subsistence Fisheries Management prior to lunch, and so about 11:00 we'll look at going into that and that's when Tom may want to testify if that's the purpose of his testimony today, the Federal Subsistence Fisheries management. Then we do have a couple other public that intend to testify on separate issues. George Gardner and Jerry Hope from Ketchikan Indian Corp. I think that may be it. We also have someone from SEACC if Mark Wheeler is still here and I was told that someone else would present in lieu of Mimi on the Migratory Bird Act.

Okay. So in the process of Proposals 9 through 12, we are at the point of Council deliberation. Mr. Knauer would like to make a quick comment on the process.

MR. CLARK: Madame Chairman, we're going to turn on the

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1 phone here.

2
3 CHAIRMAN GARZA: Hi, Lonnie.

4
5 MR. CLARK: Turn up the volume on the speaker.

6
7 CHAIRMAN GARZA: But she said she had to hang up that
8 phone first.

9
10 MR. CLARK: Yeah, but you can turn up the volume on
11 that too.

12
13 MR. THOMAS: Don't tell her what to do.

14
15 MR. ANDERSON: Hello.

16
17 CHAIRMAN GARZA: Hello, Lonnie.

18
19 MR. ANDERSON: I'm here.

20
21 CHAIRMAN GARZA: Okay. We moved you to right in front
22 of us so hopefully you'll be able to hear at least me and Bill.

23
24 MR. THOMAS: Hey, Lonnie.

25
26 MR. ANDERSON: Good morning, Bill.

27
28 CHAIRMAN GARZA: Okay, so we will start with
29 Mr. Knauer.

30
31 MR. KNAUER: Thank you, Madame Chairman and Council
32 members. Just a note, the State season and harvest limit in
33 Unit 2 is four bucks, August 1 to December 31. You need to
34 remember that any regulation that you recommend would effect
35 only the subsistence user. Should you choose to eliminate the
36 doe season, that effects only the subsistence user. Should you
37 choose to shorten the season on either end, individuals, even
38 subsistence users could still hunt under the lengthen season
39 that the State has. Also, it is not necessary to further
40 restrict the non-subsistence user if you so choose to remove
41 the doe season or shorten the season. It is not specifically
42 required.

43
44 There was a similar situation that the court examined
45 in Unit 15(A) for moose, in which there was an antler
46 restriction and there was a -- that was placed on the
47 subsistence user and the court examined whether or not that
48 restriction could be placed without eliminating the non-
49 subsistence user and they determined that it could be.

50

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1 MR. GABRIEL: That's not an elimination, that's a
2 further restriction, isn't it? In terms of if you take away
3 from -- Madame Chair.

4
5 CHAIRMAN GARZA: Gabriel.

6
7 MR. GABRIEL: If you're going to restrict the
8 subsistence user, then it follows that you can and probably
9 should restrict the -- well, you don't have to in this case
10 because they don't have a doe season.

11
12 MR. KNAUER: That's exactly correct. I am not part of
13 the biological team so I am not recommending what action you
14 take, I'm just letting you know that -- a reminder that any
15 restriction you make does not effect the non-subsistence user
16 that is harvesting deer in that area. And that for a season
17 length, even though you would -- even though you could change
18 it, for say, September 1 to November 30, all individuals could
19 still harvest under the State regulation under the longer
20 season. So I just wanted to point that out to you.

21
22 CHAIRMAN GARZA: Thank you, Mr. Knauer. So going into
23 Council deliberations. Jeff had asked that he could start --
24 do you have a question?

25
26 MS. LeCORNU: I just wanted to ask Bill where the
27 source of his information is? Is that a court case?

28
29 MR. KNAUER: As far as the situation eliminating the
30 doe and not having to eliminate the -- or further restrict the
31 non-subsistence user, yes, that involved a court case with Unit
32 15(A) moose, Ninilchik v. Babbitt, I think was the title of the
33 case.

34
35 MS. LeCORNU: Is that State court?

36
37 MR. KNAUER: No, that was Federal court.

38
39 CHAIRMAN GARZA: Could you get further reference to
40 that to Vicki sometime?

41
42 MR. KNAUER: (Nods affirmatively)

43
44 MS. LeCORNU: Thanks.

45
46 MR. KNAUER: I can at a later date, yes.

47
48 CHAIRMAN GARZA: Okay, thank you. Okay, so Jeff had
49 asked that he speak first, he had offered to speak in public --
50 as a public testimony but I suggested that he just speak under

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1 Council deliberations since he is the one who submitted the
2 Proposal 9. So Jeff.

3

4 MR. NICKERSON: Thank you, Madame Chair. I have some
5 information that I had submitted with my proposal. And it has
6 some of the things that I was going to say but in the interest
7 of time I will not.

8

9 Madame Chair, a lot of information we heard yesterday I
10 understand took a lot of work and I would like to thank the
11 people that have done this work and I really do appreciate it.
12 Some of the things they said I think I have trouble accepting,
13 like our deer population is stable and the Prince of Wales
14 population increases. When roads were put into some areas that
15 were wilderness, I can't believe that our deer population
16 stayed stable. According to one of the papers you have there,
17 they stated there are about 3,000 miles of road on Prince of
18 Wales Island. If you will look at the map and if you're
19 interested in looking at it I can show you the roads and that
20 every road just about goes by a mountain on Prince of Wales.
21 Along with this population increase and the road system, we
22 ended up within the last 20 years, I think, we ended up with a
23 bigger ferry and a bigger ferry schedule, which also added
24 pressure to the deer population. You know, Ketchikan takes 50
25 percent of their deer from Prince of Wales Island, but that's
26 on the paper in front of you also.

27

28 We also heard yesterday what logging is doing now and
29 will do to deer habitat in the future. I still can't see how
30 our deer population is staying stable for the last 10 years
31 when we have consistently harvested between 2,466 deer and
32 3,866, the figures stay between these two for the last 10
33 years, from 1986 through 1996, that's on Page 87 of our Council
34 book. And these surveys that they send out are taken out from
35 56 percent of the people. We're not hearing from 44 percent.

36

37 This still doesn't take into consideration what is
38 taken by fishing boats. We heard that yesterday from the
39 gentleman from Saxman when he testified to -- I'm not sure if
40 he was Saxman now, but all these fishing boats that are off the
41 west coast of Prince of Wales for the fall fisheries. I asked
42 a question yesterday of somebody in the audience, how many
43 commercial fisheries they were out here and whoever wrote me a
44 list, I sure do appreciate it. If I could just read it, some
45 of the fisheries off of the west coast of Prince of Wales;
46 salmon fisheries, the seine, the trawl and the charter. Some
47 of the bottom fishing would be the halibut, black cod, rock
48 fish and then abalones, sea urchins, cucumbers, shrimp,
49 herring. Within the herring would be the bait and the fish
50 ponds. And know that the fish ponds bring people, and I know

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1 this happens in March. The fish ponds bring in people from all
2 over Southeast Alaska. We have the crab and the gooey-duck.
3 That is some of the fisheries that take place outside on the
4 west coast of Prince of Wales and like I said yesterday, I
5 understand why they do it and I think it's common sense, you
6 know, that that would be part of their food. And what that has
7 created -- I have a brother-in-law, the only way he ever hunted
8 was by a skiff. He doesn't drive, he doesn't own a car and
9 within the last two to three years, he's gone anywhere from a
10 half hour to an hour and a half on a skiff riding away. And he
11 had it pretty much down to a science, I have a lot of respect
12 for him. I was really surprised but he had it down pretty
13 good, he knew where to stop and everything, but now he can't --
14 he hasn't had the luck he used to in the last two years. I
15 know that for a fact, he's my brother-in-law.

16
17 If you look at the Prince of Wales deer project fact
18 sheet in front of you there are about 300 to 400 wolf on Prince
19 of Wales. They believe that each wolf takes about 26 per year.
20 If this number is correct, wolves take about 7,800 to 10,400
21 deer a year. Some roads are blocked on Prince of Wales Island.
22 I know the deer use it, and I know it makes it easy for the
23 wolf to catch deer. From what I've seen on ice, when the wolf
24 would kill deer on ice, that was usually the last place they
25 went and I know that's probably the last place they go while
26 they're being chased by wolf because it seems to be easy.

27
28 Also in front of you there's a paper that I submitted
29 with my proposal. It's information that is taken from a book
30 that is compiled and edited by (Author), he was a research
31 wildlife biologist in Juneau Forestry Sciences Laboratory from
32 1976 until 1980. The title of the book is View on Black-tailed
33 Deer of North America. And that what I gave you in the middle
34 sheet there is everything that he said about doe hunting. And
35 I think it says a lot to why -- I mean the people on Prince of
36 Wales haven't seen this, but this is some of the concerns that
37 they have about our deer population.

38
39 One of the questions I had, the gentleman from
40 Ketchikan and it also is in our analysis book about how you
41 only see the dumb deer on the road, and maybe it's common sense
42 but how are they able to prove something like that. Even in
43 the analysis it's in there. All the time I was growing up -- I
44 was born and raised on Prince of Wales Island. All the time I
45 was growing up we never had trouble, up to about two or three
46 years ago, I was able to go on a skiff and get a deer. I've
47 done a couple trips and listening to my brother-in-law, I
48 hardly even bother anymore, I don't do that. You know they say
49 the deer got smarter, you know, my question is, I mean where's
50 the proof, how can you prove something like that, do we give

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1 them a test? You know, the other possibility is the other side
2 of that coin is that the deer just aren't there, that's
3 something we need to think about.

4
5 I know some people have testified about deer hunting on
6 Prince of Wales Island, if you hunt on a car you're not really
7 deer hunting. Myself, personally, I went up two mountains and
8 both mountains I went up on, one had a wolf on it. It was sort
9 of a family outing, but there was a wolf on it and the other
10 mountain there was a valley between myself and another mountain
11 and there was a pack of wolves on it and let's blame the
12 wolves, but we didn't get any deer on those trips. Last year
13 my brother -- I have two brother-in-laws. The older brother-
14 in-law will go up a mountain, he's a little older than I am,
15 last year I think he went up six or seven mountains, a minimum
16 of six mountains without any luck. You know, and that's why I
17 put in the proposal -- this proposal, I wanted to make sure it
18 was in, and I made it as simple as I could without creating
19 other restrictions.

20
21 One of the things that becomes apparent on Prince of
22 Wales Island is we do need better enforcement out there. I
23 believe they have four officers out there, I think I heard
24 someone say there's one in Thorne Bay and there's one stationed
25 out of Craig and I think the State has two, and we're talking
26 about 3,000 miles of road and I think someone told us yesterday
27 two million acres that these people are responsible for. We
28 need to evaluate that and as far as I'm concerned that isn't
29 enough. There was a suggestion from one of the respondents in
30 the book from Ketchikan, the respondent from Ketchikan he said,
31 you know, let's put up road blocks, let's do something about
32 it, let's do a checkpoint at the ferry, this is from someone
33 who's from Ketchikan who said, why don't you guys check me and
34 this is what the people on the Prince of Wales are also saying,
35 let's eliminate the doe season, this is what we want.

36
37 I decided that I was going to get on this Council about
38 a year and a half ago or so because I was listening to the
39 people from two years ago, I think it was, when we ended up
40 with the doe season, and at the time I felt like, you know, we
41 weren't -- the Council wasn't listening to the people, they
42 weren't doing what the people wanted. I sat in on the hearings
43 in Klawock on the fisheries testimony and again and again they
44 said that the State does not listen to us. Maybe some of you
45 heard it, in Klawock that's what I heard, the State will not
46 listen to us we need to do the Federal, they'll listen to us.
47 I'm afraid that people right now are starting to get the same
48 impression of the Feds. And I think if we go by the letter of
49 the law and do not eliminate the doe season, I think we'll
50 further enhance that impression the people are getting of us.

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1 I do understand what ANILCA says about restrictions.
2 I've went through that, I don't know how many times, but I do
3 know that what I'm charged with, what we are all charged with
4 and I do know that we need to take care of. One thing that
5 ANILCA doesn't say is we need to take care of future
6 generations. It doesn't say that to the letter and I think
7 that's what a lot of people are concerned about.

8
9 You know, I talked about -- one thing that came to my
10 mind when we talk about not eliminating this doe season and you
11 know, the majority of the people out there are saying, we don't
12 want it, you know, it brings back to mind what I studied in
13 grade school. And then I think that's why they had the Boston
14 Tea Party, you know, they didn't have representation.

15
16 The other thing that someone mentioned yesterday, the
17 last thing I want to say is someone mentioned about a bad
18 winter. We've been very fortunate, but what's going to happen,
19 I mean we have no way of predicting, just like nobody knows
20 exactly how many deer are on the island. What we've seen are
21 estimates. I'm afraid of what will happen if we have a couple
22 of bad winters, it will be very disastrous. Even if we have
23 just one bad winter, then we will really have to talk about
24 really restricting the subsistence user because we weren't
25 taking care of the future.

26
27 You know, when we started, Dolly said that, you know,
28 Vicki and I were sitting here and smiling so big and I turned
29 to Vicki and I said, after this is all over we'll still be
30 smiling because that's the way we need to do business. Thank
31 you, Madame Chair.

32
33 CHAIRMAN GARZA: Two things as a matter of protocol is
34 that, we need to put Proposal 9 on the table, John.

35
36 MR. VALE: Move to adopt Proposal 9.

37
38 CHAIRMAN GARZA: Is there a second?

39
40 MR. GABRIEL: Second.

41
42 MS. McCONNELL: I'll second.

43
44 CHAIRMAN GARZA: Okay. Proposal 9 is on the table.
45 And then before we get into Council deliberations, I did forget
46 the written comment, we postponed those yesterday in order to
47 allow public comment. So Fred if you can read into the record
48 the comments for Proposal 9.

49
50 MR. CLARK: Thank you, Madame Chairman. In your

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1 booklet there are just a few public comments. For Proposal 9
2 there's a comment from Mike Sallee who says that it seems that
3 this doe season problem arose when the Board ignored ADF&G
4 recommendations.

5
6 For Proposal 10, Mike Sallee also made a statement
7 saying that in targeting older deer, will enough sexually
8 active bucks be left to assure reproduction of the deer
9 population?

10
11 And for Proposal 11 there are two comments, the first
12 is from Elzie Isley from Ketchikan. She says that she likes
13 Proposal 11. We do not need a doe season. Hunting season
14 should not open until September 1st and should close on
15 November 30th.

16
17 The second comment on Proposal 11 is from Mike Sallee,
18 Ketchikan. It's not clear why does are taken in large numbers
19 in December under the existing regulation.

20
21 There were no comments on Proposal 12. I did receive a
22 couple other written comments that are not in your booklet.

23
24 One is from Donna Williams, the Mayor of Klawock who
25 says the City of Klawock supports the recommendation of Council
26 member of Jeff Nickerson to eliminate the taking of does for
27 subsistence in Game Management Unit 2. The majority of the
28 population of Klawock participate in subsistence hunting in GMU
29 2 and most residents of the city oppose the taking of does.
30 Thank you for considering our position.

31
32 And then finally, what I handed out just a few minutes
33 ago while Jeff was speaking was this petition from residents of
34 Prince of Wales Island. And I haven't counted them all but
35 there are well over a hundred signatures on this petition.
36 That concludes the written public comment.

37
38 CHAIRMAN GARZA: Thank you, Fred. So we have Vicki and
39 then Bill.

40
41 MS. LeCORNU: I think the problem with this whole
42 process is we've heard from all the technical people about the
43 population and that it's stable, but on the other half of that
44 picture we have nothing that we're trying to do with that
45 population. What is our goal? Is our goal State management?
46 Is our goal to provide for the Ketchikan hunters? What is our
47 goal? Our goal is the continuation of the subsistence
48 lifestyle. Continued lifestyle for the people that have lived
49 that lifestyle. All the population counts are meaningless
50 unless it is done for the proper purpose. What the purpose is

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1 for is for continuation, who should be restricted, who has the
2 priority? If you can't make a restriction on non-subsistence
3 users there's no priority. This is one of many absurd results
4 that Indian law should not be the result of Indian legislation,
5 it's absurd. We accepted a scheme without planning a strategy
6 to provide for a priority. Does the Forest Service advocate a
7 priority? Nope. In your handbook here, it says, that no,
8 there' no priority, they have other mandates. There's about 10
9 of them, so you're at the bottom of the list. The Senate
10 hearings say culture at your own pace. Does that mean that we
11 can have a vote and say, well, you all are subject to the
12 majority vote now, we're going to find out how many people
13 don't like your plan. Well, this ANILCA was made to protect me
14 from the tyranny of democracy, so, yeah, we're in the
15 democratic society but this law was written for us that we're
16 underneath that tyranny of democracy so don't tell me about how
17 many people don't want it. All I need to know is that if there
18 are not enough people getting their deer because of the
19 increased population then we need to do something about it.
20 Maybe what we did on the doe was not popular, but what are we
21 going to do about the low populations of deer? We can restrict
22 the subsistence hunter or we can restrict the non-subsistence
23 hunter. If we choose to close down anything to a hunter
24 because of cultural imperialism then that's what it is.

25
26 We're supposed to account for differences from town-to-
27 town, without making undue restrictions on people. And so it
28 really blows me away that we can't even change the law to
29 provide for a priority because the State of Alaska is going to
30 provide first for the priority of the Ketchikan hunters, that's
31 what I read between the lines. So what I would suggest is that
32 not to close the doe hunt but maybe to control it more, maybe
33 that's what the people want. They don't want the wanton waste
34 of doe hunt. Maybe we could permit 200 does for people who
35 really need them.

36
37 But we shouldn't be closing it on people that we've
38 opened the door to, like the guy said yesterday, we tried to
39 accommodate people and now we're going to close the door on
40 them again.

41
42 Thanks, Dolly.

43
44 CHAIRMAN GARZA: Thank you, Vicki. Bill.

45
46 MR. THOMAS: Thank you, Madame Chairman. When this
47 proposal was brought to us in 1995, our public discussion, our
48 agency discussion, our public reaction is exactly what it was
49 yesterday and today. If you'll read Title VIII of ANILCA it
50 will tell you why we're here. The reason for Federal

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1 Subsistence management in Alaska is to provide the continuing
2 opportunity for subsistence uses by rural residents of Alaska,
3 including both Natives and Non-Natives on public lands by
4 Alaska Natives and on Native lands is essential to Native
5 physical, economic, traditional, cultural existence of non-
6 Native, physical economic, traditional and social existence.
7 Continuation of the opportunity for subsistence uses of
8 resources on public and on other lands in Alaska is threatened
9 by the increasing population of Alaska which is a result in
10 pressure on subsistence resources by a sudden decline in the
11 population of some wildlife species which are crucial
12 subsistence resources by increased accessibility of remote
13 areas containing subsistence resources and by taking of fish
14 and wildlife in a manner inconsistent with recognized
15 principals of fish and wildlife management. The purpose of
16 this title is to provide the opportunity for rural residents
17 engaged in a subsistence way of life to do so. Non-wasteful
18 subsistence uses of fish and wildlife and other renewable
19 resources shall be a priority consumptive uses of all such
20 resources on public lands of Alaska when it is necessary to
21 restrict in order to assure the continued viability of a fish
22 or a wildlife population or the continuation of subsistence
23 uses of such populations taken such populations for a non-
24 wasteful uses shall be given preference on public lands over
25 other consumptive uses. And except otherwise provided by Act
26 or other Federal laws, Federal land managing agencies in
27 managing subsistence activities on the public lands and
28 protecting the continued reliability of all wild renewable
29 resources in Alaska shall cooperate with adjacent land owners,
30 land managers including Native corporations, appropriate State
31 and Federal agencies and other agents.

32
33 I've seen a lot of conflict to the provisions of ANILCA
34 at this meeting and other meetings by agencies, in some cases,
35 Federal agencies. We don't expect the State agencies to
36 embrace this because their constitution prohibits them from
37 doing so. The constitution the Federal government functions
38 under mandates that the letter of the law in ANILCA be adhered
39 to. That's our responsibility. If we're going to have someone
40 on our Council that is going to spend the time to not weigh the
41 importance and the intent of ANILCA we could have more problems
42 on the Council than we are with the resources.

43
44 When we discussed this the first time it was presented
45 to us, we had a suspicion or better yet an understanding that
46 does are being harvested anyway. So if there's a regulation
47 that allows them one doe out of four in a year's period of
48 time, that would eliminate a possibility of criminalizing such
49 an act. Removing the regulation is not going to deter or cut
50 down on the species harvested. Anybody that lives in Alaska

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1 knows that. Anybody that thinks otherwise is very naive. And
2 we're spending a lot of time and dialogue, we're sounding good
3 with our technology, we're showing the world that we're earning
4 our paychecks. Our articulation is getting better. You know,
5 we just sound better, we're not any wiser than we were 50
6 years. In fact, we're less wise. We don't follow our
7 instincts. I'm not sure what we pursue.

8
9 But I'm going to speak against Proposal 9, and I'm
10 going to support Staff recommendation. The reason being is the
11 same reason that the Federal Board uses for their criteria is
12 that there's insufficient evidence to support anything calling
13 for a change in the existing regulations.

14
15 Last year we took a recommendation to them where much
16 work was put into, a lot of discussion came in, good dialogue.
17 But thing happened was that the recommendation got all the non-
18 subsistence users off guard and put them into a tailspin and
19 they all wound up in the laps of the members of Board of Fish
20 and Game and got it turned around. That was good. That was
21 okay. Because we didn't provide sufficient evidence to support
22 our recommendation. In order to avoid repeating that same
23 result and not having sufficient evidence, I petitioned the
24 State Fish and Game, I attended a workshop here in town that
25 had an introduction to Federal subsistence management, there
26 was good information given. The statistics I needed to know
27 about areas one and two were given to me. I asked about the
28 accuracy of those numbers. They were satisfied. It turned out
29 if they're happy, I'm happy, we considered that by biological
30 evidence. In testimony since then there was a lot of passion,
31 a lot of commitment, a lot of discipline and a lot of sincerity
32 in removing the doe from being included in the hunt on Prince
33 of Wales Island. The doe is not the culprit, the person that
34 shoots the doe that is an eligible subsistence user is not the
35 culprit, the culprit has not yet been addressed. I don't know
36 if it ever will be. We became experts at swimming around the
37 culprit.

38
39 But with that, Madame Chairman, I am speaking in favor
40 of Staff's recommendation with regards to Proposal 9. Thank
41 you.

42
43 CHAIRMAN GARZA: Thank you, Bill. I have one quick
44 question, I guess, for Jeff and Vicki. I don't think that when
45 we vote the vote will be unanimous in either direction and it
46 will likely go forward to the Federal Subsistence Board with
47 that. But both of you have indicated that you would support
48 some type of limited doe hunt. And I was wondering if it would
49 be possible to provide that kind of opportunity, if someone
50 went into an office and got a special permit for a doe in

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1 either Craig, Klawock or Hydaburg. The intent there is that it
2 would remove or at least reduce the opportunity for non-island
3 hunters but it would ensure the opportunity for island hunters
4 who want to hunt doe or who need to.

5
6 MR. NICKERSON: Madame Chair, I have no problem with
7 that at all. You know, my intent, you know, I understand --
8 like I said, I understand what Bill was saying, I understand
9 what Gabe was saying yesterday and what Vicki was saying
10 yesterday. That was one thing that I did feel bad about, you
11 know, it was perceived as a restriction and maybe it is and
12 that's not what I really wanted.

13
14 CHAIRMAN GARZA: Gabriel.

15
16 MR. GABRIEL: Well, I agree with pretty much everything
17 Vicki said. I think that there are things that happen in
18 today's society that compels management agencies to go one way
19 and not another way. And basically it's a squeaky wheel and as
20 Jeff pointed out, you know, the surveys only had X percent and
21 didn't have 100 percent. The unfortunate thing is the petition
22 has X percent and not 100 percent. The local majority or the
23 people that speak up the loudest generally move in that
24 direction, after all we are a democratic society, but it's
25 indeed true that ANILCA has provided for the people of Alaska,
26 you know, that live a subsistence way of life who may or may
27 not be vocal. It's very unfortunate that in order to be a
28 subsistence user you have to be vocal. You have to stand up in
29 front of a subsistence council, you had to stand up in front of
30 -- before you had to stand up and speak out in front of
31 commercial fishermen, sport fishermen and if you think you have
32 the majority there, you're dead wrong which is why we're here
33 today.

34
35 When I was working for Fish and Game I went to various
36 communities and some of those communities said there is no
37 subsistence hunting or fishing in this community. And I went
38 door-to-door in a household survey as mandated by our resource
39 plan, guess what, people subsisted off the resources, you know,
40 in the area who weren't heard. Who weren't supported by their
41 advisory committee. Who weren't supported by their city
42 council. Who weren't supported by anyone who was in a position
43 to support them. Why, because they're a minority. Why,
44 because they didn't have a voice or an opportunity or felt
45 threatened or -- you know, as words were pointed out the other
46 day, lazy and all the other kind of words that are used to put
47 down people and their way of life.

48
49 So I speak against the motion. I speak against the
50 motion, you know, to eliminate the doe hunt. I believe any

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1 time we criminalize any of our people that then I shouldn't be
2 sitting here. And then if I do that I will walk out, I will go
3 home. I've worked for 20 years at trying to do something and
4 use my education and everything to doing what we're doing here
5 today. But if it's for not, then you know, I just as soon not
6 waste my time either. If we're going to comply with everything
7 that the State and the courts and everybody else says that we
8 have to comply with in terms of whether it's a restriction or
9 further restriction on sports hunters and that we can't do it
10 and we can only mirror image what the sports regulations are
11 presented with us, with a complete endorsement of our Staff and
12 all, then what are we doing here. I know what I'm trying to do
13 and I believe in it and know there's not 100 percent anywhere.
14 There wasn't 100 support in Angoon for the January hunt, but
15 you know, some people got arrested in January, their rifle's
16 taken away and their deer meat taken away and they didn't have
17 a refrigerator and they needed the meat. And for anyone to
18 stand up in front of public people and say that those people
19 don't have a need, that that meat is not fit for dogs to eat or
20 anything else like that, you know, it just riles my blood. If
21 you don't want to hunt in January don't hunt in January. If
22 you don't need it, save the resource. If you don't want to
23 harvest a doe don't harvest a doe. But don't impose your
24 values and rules and regulations and all on people that do need
25 that resource and have no choice in many instances but to
26 harvest that resource. And that's what ANILCA and that's what
27 I think Vicki explained quite eloquently about the democratic
28 process in what, you know, the rules and regulations and the
29 Federal ANILCA provisions provide for.

30
31 With that, I speak against the motion, and thank you.

32
33 CHAIRMAN GARZA: Thank you, Gabriel. We have Herman
34 and we also have a request from someone in the public who did
35 not testify yesterday and would like to testify regarding
36 Proposal 9. So unless there is objection, I would like to
37 provide that opportunity. So after Tom Abel, we'll have Herman
38 and then John Vale. You're on the three to five minutes, Tom.

39
40 MR. ABEL: I'm pretty good at that. I know that I have
41 the whole afternoon, so, thank you, Madame Chair, I appreciate
42 this opportunity to make a couple remarks. I was not going to
43 testify on this proposal specifically. I realize -- and also
44 for the record, my name is Tom Abel. I'm a Haida, I reside in
45 Hoonah which is a Tlingit village. And I realize you have
46 enough controversy before you without a little more.

47
48 However, I think that it needs to be stated that
49 although the Southeast Regional Advisory Council has the
50 obligation to protect the subsistence user and provide the

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1 opportunity for the exercise of the subsistence way of life and
2 also to protect the customs and culture of the Alaska Native
3 people, which is specifically one of the intents of ANILCA as
4 stated by Congressman Udal in the Congressional record in 1980.
5 However, I think it's also incumbent upon you to realize that
6 in your duties and obligations you have also got the obligation
7 to provide for the long-term protection of fish and wildlife
8 populations. And although we've heard a lot of scientific and
9 biological evidence that the deer populations are stable, we've
10 also heard a lot of testimony that the population of Prince of
11 Wales is skyrocketing. And I'm sorry that I don't have any
12 solutions for you.

13
14 However, I think that it's incumbent upon you also to
15 err on the side of caution in order to protect the future of
16 the ability of people to practice a subsistence way of life.
17 Like I said, I don't have any solutions for you, but your
18 obligation in my opinion is two-fold, to provide and protect
19 for the subsistence way of life and also to provide for the
20 future existence of the subsistence lifestyle. So I would urge
21 you to err on the side of caution and I have no recommendation
22 and I don't envy you in your jobs. At this point, however, I
23 sat in your seat -- in some of your seats before and I realize
24 that this is not an easy thing to decide. I know there is a
25 lot of contentious opinion on both sides of the issue, and I
26 only hope that your considerations will lead you down the right
27 path.

28
29 And I'd like to thank you for the opportunity to
30 provide these few remarks.

31
32 CHAIRMAN GARZA: Thank you, Tom. I also wanted to
33 check with either of the Mr. Ketah's, if they intended to
34 testify on Proposals 9 through 12, which is the doe season for
35 deer on Prince of Wales? If you wanted to testify on something
36 else later today, you certainly will be welcome to. I have
37 down that George Gardner and Gerry Hope will be testifying on a
38 different issue later.

39
40 MR. GARDNER: We'll be testifying on a different issue
41 later.

42
43 CHAIRMAN GARZA: Okay. George.

44
45 MR. GARDNER: When we move to the table, they'll be
46 joining us, it will be the same resolution.

47
48 CHAIRMAN GARZA: Okay. Just to keep you apprised, KIC
49 will be presenting a request that Ketchikan be changed from an
50 urban to a rural community later today. So put that under your

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1 thinking cap. So I did get a note that if the Regional Council
2 supported the Staff recommendation and we voted against
3 Proposal 9, we can still request a modification of the
4 registration process that would require people intending to
5 hunt doe get a permit from a Prince of Wales community. And
6 that's a possible consideration of attempting to be
7 conservative while still providing an opportunity.

8
9 Okay. I have Herman and I have John. Herman.

10
11 MR. KITKA: I have misgivings with Proposal 9, bucks
12 hunting only. I don't know if a lot of you people remember,
13 1930 when the Federal government brought Federal regulations to
14 Alaska, we were allowed to only hunt three bucks, horns longer
15 than three inches and it's had a serious effect. By 1937 we
16 weren't getting any deer anymore. What was happening was we
17 upset the ratios, the does got plentiful and they ate up all
18 the food in the low lands, when the bucks came down off the
19 high hills during the rut they were in very poor condition and
20 a lot of them never made it through the winter. And in 1937,
21 Sitka ANB brought it on the floor at a convention to try to get
22 the season open for doe season. And in 1940 we were successful
23 in making it. And when the does were being harvested, it gave
24 a chance for the bucks to survive, and the deer population
25 bounced back. By statehood there was all kinds of game all
26 over through Southeast. And if I remember correctly, Klawock
27 delegates went along with us on this issue.

28
29 Prior to the Federal bringing regulations to Alaska we
30 had professional hunters in Southeastern Alaska that were
31 hunting from the steamboats and they were also hunting for the
32 deer markets. Deer meat was being sold in all meat grocery
33 stores and there was plenty of game. But when we started
34 taking the three bucks only, we upset everything and it had
35 very serious effect, the population declined on both species,
36 not only the bucks died off during the winter, does also went.
37 But when we start taking the does, it bounced back. So the
38 deer population is healthy on Prince of Wales and the ratio is
39 good. What we figured talking to biologists at that time, he
40 estimated about 10 does to one buck was a good ratio and on
41 that ground we tried to maintain the count. Today we still do
42 it up in Sitka. We try to keep the deer population healthy.
43 To make it healthy, the ratio has got to be there. And today
44 they tell me the population of deer is healthy and why should
45 we upset it? This is the question I'm asking myself and I'm
46 asking the public the same question. If we upset it it will
47 have serious effects down the road. The does that they kill
48 for subsistence use don't effect the population that much.

49
50 So I think my recommendation is to keep the regulation

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1 as it was before.

2

3 CHAIRMAN GARZA: Thank you, Herman. Mr. Vale.

4

5 MR. VALE: Thank you. Given what we've heard here
6 today, I'd like to offer a motion to amend the proposal to read
7 four deer, however, no more than one deer may be antlerless
8 deer, antlerless deer may be taken only during period October
9 15 to December 21, that's the existing regulation -- December
10 31. And I'd like to require the antlerless deer be taken by
11 Federal registration permit. I didn't want to increase the
12 overall harvest by allowing four bucks and an antlerless deer,
13 so I kind of wanted to stick with the existing regulation, but
14 allow -- but require the antlerless deer be taken by Federal
15 registration permit.

16

17 So I guess I have a question for ADF&G, in that, these
18 deer are being harvested by State registration or State harvest
19 tags and I'm wondering how you reconcile the doe harvest under
20 a State tag?

21

22 CHAIRMAN GARZA: Before.....

23

24 MS. McCONNELL: I second it.

25

26 CHAIRMAN GARZA: We need a second -- so there is a
27 motion and a second to amend Proposal 9. And we had a question
28 to whoever is in the know regarding how that would or could be
29 implemented.

30

31 MR. DINNEFORD: Thank you, Dolly. I'm Bruce Dinneford
32 with the Department of Fish and Game and Ted Schenck has joined
33 me. There is a similar registration permit for moose in the
34 Yakutat area and I'd just ask Ted to describe that permit.

35 MR. SCHENCK: At Yakutat hunters who want to hunt moose
36 for the subsistence season come and apply for a registration
37 permit ahead of the season. They get that permit and they can
38 hunt on that before the State season starts. And it's been --
39 so we've been able to provide Federal subsistence priority for
40 moose for Yakutat residents. And as they return their, either
41 teeth from the moose that they get or report their hunt, we've
42 been able to get information about how many, who's doing it,
43 where the harvest is coming from so that we have better
44 information to make management recommendations to the Council
45 and then to the Federal Board of Game. John, do you want to
46 address how you think that might be working at Yakutat?

47

48 MR. VALE: Just, briefly. I think the people at
49 Yakutat are very happy with the program in terms of the
50 opportunity being provided there. And Bruce, do you care to

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1 respond to the question about a harvest of does under the State
2 harvest tag system and secondly, is that still possible with a
3 Federal registration permit? I guess what I would see is you
4 still would have four tags, but in addition to having a State
5 tag you'd have to have a Federal registration permit for the
6 antlerless deer; would that work under the State?

7
8 MR. DINNEFORD: John, if I understand your question, I
9 don't see where that would pose any difficulty. As you know
10 our harvest tickets come out, each one has the application and
11 then it has six actual tickets because Unit 4 has a bag limit
12 of six deer. Therefore, there's going to be some extras that
13 don't get used anyway and in some areas there's only a bag
14 limit of one deer but when a person gets a harvest ticket they
15 get six tickets. So there'd be no problem having the, you
16 know, the other reporting system.

17
18 One of our main concerns was in Yakutat, would be in
19 this situation as well, that regardless of whose hunt it is,
20 State or Federal, we like to have complete data so we can look
21 at the total harvest of the population so we can -- when we
22 make recommendations, we can look at the total harvest and do
23 our best job of estimating what's going on with the populations
24 so when we make recommendations, we're considering all of the
25 population and all of the hunting effort and all the hunting
26 success so our conservation concerns can be addressed most
27 adequately.

28
29 MR. VALE: Thank you.

30
31 MR. DINNEFORD: You bet.

32
33 CHAIRMAN GARZA: So a question, and I'm not sure, Dave,
34 if it should go to you or to someone else, but is there someone
35 at Craig Forest Service who could issue those permits?

36
37 MR. JOHNSON: Madame Chairman, Dave Johnson for the
38 record. We've been in the business of the proxy permits now
39 for several years. And as most of you know and as the Board
40 knows and the Fish and Wildlife Service knows that the proxy
41 system hasn't been working that well in terms of people coming
42 in to get these proxy permits, of which you can use still one
43 of those as a tag for a doe. Unfortunately we've not been able
44 to track that very well.

45
46 In answer to your question specifically, Madame
47 Chairman, any decision or any suggestion at this point on
48 things that would effect our budgets or increase our workloads,
49 I'm not -- number one, I'm not qualified to do that and number
50 two, I'm not allowed to do that. I would say this, if the

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1 decision is made to do that, we would comply with whatever
2 requirements of the new process would be, whether it be in
3 Craig, Thorne Bay or wherever that might be. So I'm sure that
4 Mr. Powell would be glad to do that.

5
6 CHAIRMAN GARZA: So we could reasonably conclude that
7 if you have the process for the designated hunting permit
8 system, that if we had a permit system for doe hunting we could
9 use that same personnel process provided it were approved by
10 Mr. Powell?

11
12 MR. JOHNSON: Actually it would have to go approved --
13 my understanding of the process, it would have to go from the
14 recommendation from the Council to the Board, if the Board
15 decided then to do.....

16
17 CHAIRMAN GARZA: Right.

18
19 MR. JOHNSON:implement this action, and then at
20 that point we come back to, in terms of FY99 it would just have
21 to be budgeted for. I don't know if someone else would care to
22 comment on that but that's basically the process.

23
24 CHAIRMAN GARZA: Okay, thank you, Mr. Johnson. I have
25 Jeff and then Gabriel.

26
27 MR. NICKERSON: Madame Chair, I think maybe one of the
28 questions, I'm not sure if this was what John was asking about
29 the permit, I think the problem that you might be worried about
30 would be answered by just requiring that they carry one of
31 their tickets when they do harvest the doe that they receive
32 from the State.

33 MR. VALE: Could you repeat that?

34
35 MR. NICKERSON: That they tear one of their tickets
36 they receive from the State, that they tear one of them when
37 they harvest a doe.

38
39 MR. VALE: Okay.

40
41 CHAIRMAN GARZA: So they'd have to validate -- you have
42 to remember he's from Yakutat so he doesn't get this deer
43 stuff.

44
45 MR. NICKERSON: So they would have the option of using
46 four tickets and if they harvest a doe, then they would have to
47 tear one. I think that that would take care of the problem you
48 had -- or the question you had about it.

49
50 MR. VALE: Thank you.

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1 CHAIRMAN GARZA: I have Gabriel and then Herman.

2

3 MR. KITKA: I oppose registering for subsistence users.
4 They've been trying that in Sitka. The sportsmen, when they go
5 hunting they're after the bucks. And the subsistence hunter
6 they don't go out until in October when the deer move down to
7 the winter ground. A lot of them are elderly people like me,
8 they can't 'hunt all the way up the mountain. So the
9 regulation, as I see it, it's aimed at the subsistence users.
10 I know in Sitka I know they've been trying to chop us off from
11 hunting the does also and we opposed it greatly because it's
12 the subsistence users that are under those late in the season.

13

14 CHAIRMAN GARZA: Gabriel.

15

16 MR. GEORGE: Thank you. A few years ago when we came
17 up with the designated hunter scenario and tried to resolve
18 that issue in terms of accommodating a subsistence practice in
19 communities and throughout Southeast, we tried to do exactly
20 what we're doing now and, indeed, I see going that way. Why
21 don't we go and talk to somebody who will issue a permit for
22 them to get their doe. At that time, with the designated
23 hunter, I said that in terms of fish tickets and I think that
24 Fish and Game, Schroeder can verify it with numbers, in that --
25 I mean fish tickets, not deer tickets, that the deer ticket
26 harvest survey and all that doesn't meet with the numbers that
27 are actually taken. It's people that -- and I assume, teachers
28 and preachers and other people in the communities that fill
29 out, who are used to filling out these surveys and responding
30 to them are the ones that do the practice of people in Angoon
31 filling them out, what do you have, you know, maybe we don't
32 have any deer harvested in Angoon. But I think Subsistence
33 Division indicate that there is a large number of deer taken,
34 not as large as other communities, but none the less, deer has
35 been harvested and used for family and traditional uses. I
36 guess what I'm trying to say is in terms of trying to impose a
37 rule or regulation on -- another rule and regulation on a
38 subsistence user that has been proven not capable of being
39 enforced or being complied with doesn't make the problem right.
40 It does not address the situation.

41

42 How do we handle it? Don't know.

43

44 CHAIRMAN GARZA: Okay. I want to.....

45

46 MR. GEORGE: Okay, thank you. I just wanted to address
47 that, that, you know, it looks like we're trying to have
48 somebody else enforce something that's not enforceable or do
49 something that doesn't do what it's supposed to do.

50

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1 CHAIRMAN GARZA: Well, I disagree with you on part of
2 that Gabriel, because I think a large number of Natives in
3 Sitka certainly go through the permitting process, in part,
4 because we're scared we're going to lose out someday. But I
5 know that, you know, we have large number of designated
6 hunters. We have, you know, STA has worked hard to make sure
7 that our rights are protected and it includes going through the
8 permit process. I guess why I've grappled with this whole issue
9 for the last couple days, I know many of you have grappled with
10 it for years, and I understand that there are conservation
11 concerns. While the population of doe may be stable, there are
12 localized depletions. From the information I received
13 yesterday, I believe that. I also understand that our purpose
14 here is to protect subsistence opportunities and we do have
15 people who do hunt doe. In trying to grapple with both sides,
16 I know that if you guys tried to eliminate the doe season in
17 Game Management Unit 4 there would be a line a mile long going
18 out this building to testify against that attempt. So I don't
19 want to eliminate this opportunity, but I want to make sure
20 that we have some type of control measure that ensures that
21 conservation is addressed. And in a couple of years we may
22 find that this process doesn't work in which case we'd have to
23 look at it again but I'm certainly willing to try it if it
24 provides opportunity and gives us some conservation assurance
25 and some tracking measure.

26
27 And so for those reasons, I would support the
28 amendment. I wanted to check with Lonnie, he's been pretty
29 quiet for the last couple of days and I know you may not have
30 been able to hear everything, but I also want to give you the
31 opportunity to give us your wise words of wisdom. Lonnie.

32
33 MR. ANDERSON: Dolly, this is Lonnie in Kake. I
34 certainly agree with Vicki and Herman in their perception of
35 what has taken place. We should not penalize any of the
36 subsistence users per se. And I certainly think that some area
37 -- or procedure -- I'm sort of reluctant to put our subsistence
38 hunters having to fill out a permit for a specific species.
39 And I would go along with Herman and Vicki's proposal. Thank
40 you.

41
42 CHAIRMAN GARZA: Thank you, Lonnie.

43
44 MR. VALE: Call for the question on the amendment.

45
46 CHAIRMAN GARZA: Okay. Question has been called on the
47 amendment and I'll reread it and correct me if I'm wrong, Mr.
48 Vale.

49
50 Proposal 9, Unit 2 deer, four antlered deer, however,

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1 no more than one may be an antlerless deer. Antlerless deer
2 may be taken only from October 15th through December 31st,
3 provided a Federal registration permit is obtained from the
4 Prince of Wales Forest Service office.

5
6 MR. VALE: Yeah. That's just for the antlerless deer.

7
8 CHAIRMAN GARZA: Yes.

9
10 MR. THOMAS: Request roll call vote.

11
12 CHAIRMAN GARZA: Roll call vote has been requested.

13
14 MS. McCONNELL: And we're just voting on the amendment,
15 correct?

16
17 CHAIRMAN GARZA: Correct. If the amendment fails, then
18 Proposal 9 will come back before us that the doe season be
19 removed. Okay, for roll call I'll just go down unless you've
20 got the list in front of you, Patti.

21
22 MS. PHILLIPS: Do you want me to read it?

23
24 CHAIRMAN GARZA: Yes.

25
26 MS. PHILLIPS: Bill Thomas.

27
28 MR. THOMAS: Nope.

29
30 MS. PHILLIPS: Dolly Garza.

31
32 CHAIRMAN GARZA: Yes.

33
34 MS. PHILLIPS: Patricia Phillips. Yes. Jeff
35 Nickerson.

36
37 MR. NICKERSON: Yes.

38
39 MS. PHILLIPS: Mary Rudolph.

40
41 MS. RUDOLPH: Yes.

42
43 MS. PHILLIPS: Herman Kitka.

44
45 MR. KITKA: No.

46
47 MS. PHILLIPS: John Vale.

48
49 MR. VALE: Yes.

50

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1 MS. PHILLIPS: Mim McConnell.

2
3 MS. McCONNELL: Yes.

4
5 MS. PHILLIPS: Marilyn Wilson, absent. John Feller.

6
7 MR. FELLER: Yes.

8
9 MS. PHILLIPS: Gabe George.

10
11 MR. GEORGE: No.

12
13 MS. PHILLIPS: Lonnie Anderson.

14
15 MR. ANDERSON: No.

16
17 MR. THOMAS: And Marilyn Wilson, no.

18
19 MS. PHILLIPS: Vicki.

20
21 MS. LeCORNU: I vote no.

22
23 MS. PHILLIPS: Six no's, six yes.

24
25 CHAIRMAN GARZA: I have five no and seven yes.

26
27 MS. PHILLIPS: Yes, sorry. Five, no, seven, yes.

28
29 MR. THOMAS: Amendment passes.

30
31 CHAIRMAN GARZA: Okay, the amendment passes.

32
33 MS. McCONNELL: Dolly.

34
35 CHAIRMAN GARZA: Mim.

36
37 MS. McCONNELL: I had some suggestions to go along with
38 the amendment, not as an amendment but just as some other
39 things that could be done to help the situation. One of them
40 is to provide a check station at Hollis for people traveling on
41 the ferry. It sounded like a lot of -- from the studies that
42 were done, there's quite a few does that were taken by
43 Ketchikan residents, and this -- providing a check station
44 might help control that situation. Another one is to provide a
45 process of identification of subsistence needs by community so
46 that we know what the actual needs are. This was kind of
47 talked about a little bit yesterday. If you know what the
48 needs are then you can tell whether or not they're being met or
49 not and you can tell what actions need to be taken to correct
50 the situation. And then another one is to provide for a

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1 collaborative effort by Federal, State and communities in
2 creating a reporting system of local harvest that's done on the
3 community level so that the communities -- the residents are
4 involved in the process.

5
6 And I think Bob Schroeder and maybe Mike there would be
7 able to speak to that a little bit. I think there was some
8 different thoughts about how that could be done. Is that
9 something that people want to hear about at this time or should
10 we just do that a little bit later. Okay. So anyway, those
11 are just some possibilities of some ways of taking care of some
12 of these problems.

13
14 CHAIRMAN GARZA: Gabriel.

15
16 MR. GEORGE: What we have in front of us know is
17 Proposal 9 and that includes, as amended?

18
19 CHAIRMAN GARZA: Yes.

20
21 MR. GEORGE: I would speak against the motion because
22 we're putting, again, a further restriction on three percent of
23 the harvesters to comply. And if they don't comply they're
24 again -- I mean we're doing this on, again, a minority and
25 again we're further restricting. We're imposing, again,
26 another hurdle for them to jump over. And if they don't,
27 again, their rifles are going to be taken, again, they'll be
28 subject to rules and regulations because of the majority. So I
29 speak against the motion.

30
31 CHAIRMAN GARZA: So we have Proposal 9 as amended
32 before us. We need to vote on it as a proposal, the first vote
33 was for the amendment. We now have an amended proposal before
34 us. Bill.

35
36 MR. THOMAS: I agree with Gabe. You know, our
37 responsibility is to provide an opportunity for continued
38 subsistence use, not to make biologists and anthropologists out
39 of the users that go out to harvest. All they want to do is go
40 get a deer and eat it. So I'm opposed to these further
41 restrictions as well.

42
43 CHAIRMAN GARZA: Mary.

44
45 MS. RUDOLPH: Yes. I'm opposed to it too because I've
46 seen what happened to our fishermen with all the problems they
47 have with all the permits, the papers, the -- it's getting to
48 be a business file cabinet just for our fishermen to go out.
49 And if we start doing that to our subsistence hunters, they
50 have a hard time just filling out the -- what Gabe was talking

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1 about, the users that are going out. This is going to be more
2 hardship on them and it's going to be less information that
3 will be coming into us. So I strongly oppose this. Thank you.

4
5 CHAIRMAN GARZA: Vicki.

6
7 MS. LeCORNUE: Yes, Dolly, I'm going to vote against
8 this also because I think we're supposed to be protecting the
9 freedoms instead of restricting the freedoms. So what we're
10 protecting is the freedom for something that they previously
11 enjoyed and we don't want to heap another restriction upon them
12 on top of the logging, on top of the increased population of
13 the island, and the increased population of Ketchikan, the
14 wolf, the logging roads, loss of habitat and there are
15 restrictions that we have not dealt with. So this is just a
16 little one that I'm going to speak against.

17
18 MS. PHILLIPS: Do you have the motion that we're voting
19 on?

20
21 CHAIRMAN GARZA: The motion would be the amendment that
22 we just voted on. So it's almost a repeat vote but because the
23 amendment could have failed it requires a motion on the
24 proposal as amended. So what would be Unit 2 deer, four
25 antlered deer, however, no more than one may be an antlerless
26 deer. Antlerless deer may be taken only from October 15th to
27 December 31st provided a Federal registration permit is
28 obtained from the Prince of Wales office for the antlerless
29 deer.

30
31 John.

32
33 MR. VALE: Yeah, I'm not comfortable at all with
34 imposing a Federal registration permit on subsistence users.
35 Generally I -- any additional permits, I do see them as a
36 burden. The reason I'm going to vote in favor of this
37 proposal, however, though is you know we heard from a great
38 many people who were concerned about the population on the
39 island. We heard from tribal governments, we heard from city
40 governments. We heard from a great many people. Some are
41 philosophically opposed to doe hunts, but others were concerned
42 for the resource, and we've heard -- you know, some of us feel
43 that there isn't a good handle on what's going on with the
44 resource here. And I guess it was my feeling by imposing this
45 burden of a Federal registration permit that it would decrease
46 a likelihood of a harvest of does from those people who are
47 probably not really interested in harvesting does, but if all
48 they need is a registration tag and one presents itself, you
49 know, then they decide to go ahead and take it, then I guess
50 it's my feeling under the Federal permit here that the

00195

1 opportunity would be there for those who do really want to take
2 them because of their traditional uses.

3
4 So I'll speak in favor of the proposal.

5
6 CHAIRMAN GARZA: Mr. Gardner.

7
8 MR. GARDNER: Madame Chair, my name is George Gardner.
9 I'm not getting the amendment clear in my head. Now, the
10 amendment on the doe for the registration, is that just for the
11 island, for the subsistence users to go and get that permit and
12 it will benefit them. Is that what we're trying to achieve
13 here? If that's what we're trying to achieve here, I have no
14 problem with that because you want to protect the island over
15 there, but it seems like to me your amendment is opening it up
16 to us over here in Ketchikan. I want clarification on the
17 amendment. How is that amendment read on the registration and
18 who is allowed to get the doe?

19
20 CHAIRMAN GARZA: Without the proposal and without the
21 amendment, Ketchikan or any resident of the state of Alaska can
22 go to Prince of Wales and hunt deer.

23
24 MR. GARDNER: So the amendment is wide open to anybody
25 then? There's no restriction, is that what some of the Board
26 members are trying to get, a restriction so.....

27
28 CHAIRMAN GARZA: Jeff.

29
30 MR. VALE: Dolly, if I could?

31
32 CHAIRMAN GARZA: Okay. First Jeff and then John.

33
34 MR. NICKERSON: Madame Chair, under the regulations,
35 which you can pickup anywhere, it states under deer for who the
36 regulations pertain to, and that wouldn't change at all. It
37 says rural residents of Unit 1(A), 2 and 3. That's not going
38 to change, so that would -- I take it as it would be available
39 for the same people that it was available for before.

40
41 MR. GARDNER: Only rural, that's the island, is that
42 what they're talking about, correct?

43
44 MR. NICKERSON: 1(A), I'm not sure -- 1(A) and 3, no
45 it's not just the island.

46
47 MR. GARDNER: It encompasses the whole.....

48
49 MR. NICKERSON: But the proposal concerns the hunting
50 in Game Management Unit 2.

00196

1 CHAIRMAN GARZA: So the hunting is only on the Prince
2 of Wales, but the hunters may come from Prince of Wales,
3 Ketchikan, Wrangell, Petersburg and from throughout the state
4 of Alaska.

5
6 MR. GARDNER: Well, my understanding of what he said is
7 you have to get a -- register over there to get the doe, I
8 thought maybe you were just zeroing in just on the ones on the
9 island to allow the permit.

10
11 CHAIRMAN GARZA: Okay, John.

12
13 MR. VALE: The way it would work, under the Federal
14 program, only those rural residents who are qualified to
15 harvest under the Federal program could obtain a Federal
16 registration permit. Ketchikan residents would not be able to
17 obtain that permit because they're not qualified under the
18 Federal program.

19
20 MR. GARDNER: Well, you should have it clarified in
21 your amendment and backup support. And that way maybe some of
22 the Council members would understand it better. Like I said, I
23 was confused because I didn't know what was really going on
24 here, but that clarifies it. Does that clarify it, Madame
25 Chair?

26
27 CHAIRMAN GARZA: Did you have another comment Bill?

28
29 MR. KNAUER: No, Madame Chairman. I was just going to
30 clarify that Ketchikan is non-rural and does not qualify to
31 harvest under the Federal program.

32
33 CHAIRMAN GARZA: That's just until the afternoon.

34
35 MR. GARDNER: Under this amendment, right?

36
37 MR. KNAUER: Under any of the Federal regulations,
38 Ketchikan residents do not qualify, they are non-rural under
39 the Federal program. They would have -- Ketchikan residents
40 have to hunt under State regulations.

41
42 MR. THOMAS: Saxman would be able to.

43
44 MR. KNAUER: Right.

45
46 MR. GARDNER: Thank you, Madame Chair, I just wanted
47 clarification on the amendment that was already voted on.

48
49 MR. VALE: Call for the question on the motion.

50

00197

1 CHAIRMAN GARZA: Okay. Question has been called on the
2 motion as amended.

3
4 MR. THOMAS: Roll call.

5
6 CHAIRMAN GARZA: Roll call has been requested. Patti.

7
8 MS. PHILLIPS: William Thomas.

9
10 MR. THOMAS: No.

11
12 MS. PHILLIPS: Gabe George.

13
14 MR. GEORGE: No.

15
16 MS. PHILLIPS: Jeff Nickerson.

17
18 MR. NICKERSON: Yes.

19
20 MS. PHILLIPS: John Vale.

21
22 MR. VALE: Yes.

23
24 MS. PHILLIPS: Herman Kitka.

25
26 MR. KITKA: No.

27
28 MS. PHILLIPS: John Feller.

29
30 MR. FELLER: Yes.

31
32 MS. PHILLIPS: Mary Rudolph.

33
34 MS. RUDOLPH: No.

35
36 MS. PHILLIPS: Patricia Phillips. Yes. Mim McConnell.

37
38 MS. McCONNELL: Yes.

39
40 MS. PHILLIPS: Lonnie Anderson.

41
42 MR. ANDERSON: No.

43
44 MS. PHILLIPS: Marilyn, absent. Dolly Garza.

45
46 CHAIRMAN GARZA: Yes.

47
48 MS. PHILLIPS: Vicki LeCornu.

49
50 MS. LeCORNU: No.

00198

1 MS. PHILLIPS: Six no's -- is that right.

2
3 MR. VALE: Six and six.

4
5 MS. PHILLIPS: Six no and six yes.

6
7 CHAIRMAN GARZA: Okay. It is a tie vote, under
8 Robert's Rules of Order, the proposal fails because there is
9 not a majority in favor of it.

10
11 MR. THOMAS: Right.

12
13 CHAIRMAN GARZA: So Proposal 9 fails because it was
14 amended and then failed as an amendment.

15
16 MR. VALE: Move to adopt Proposal 10.

17
18 CHAIRMAN GARZA: Proposal 10 is now before us.

19
20 MR. GABRIEL: Second.

21
22 CHAIRMAN GARZA: Oops. Now, that it has been seconded,
23 Proposal 10 is now before us. Proposal 10 reads that you may
24 no longer hunt antlerless deer and that all antlered deer must
25 be forked as opposed to spiked. There was -- to my
26 understanding there was no substantial testimony in favor of
27 this proposal. We heard testimony as to the genetic difference
28 between spiked and horned deer and we could probably cover that
29 at ad nauseam if we wanted, but hopefully this may be a
30 proposal that we can quickly cover. Speaking.....

31
32 MR. VALE: Question.

33
34 CHAIRMAN GARZA: Question has been called. All in
35 favor of the motion signify by saying aye.

36
37 (No aye responses)

38
39 CHAIRMAN GARZA: Opposed to the motion signify by
40 saying aye.

41
42 IN UNISON: Aye.

43
44 CHAIRMAN GARZA: The motion fails.

45
46 MR. GEORGE: Move to adopt Proposal 11.

47
48 MR. FELLER: Second.

49
50 MR. VALE: second.

00199

1 CHAIRMAN GARZA: Proposal 11 has been moved and
2 seconded. The intent of the motion would be to reduce the
3 season by a month at the beginning of the season and a month at
4 the end of the season. It was pointed out to us by Mr. Knauer
5 that the State regulation already offers an August through
6 December season so we would, in effect, be shortening the
7 subsistence season when the sport season would stay longer.

8
9 Vicki.

10
11 MS. LeCORNNU: I'm wondering, what can we do about that?
12 What is our purview on that?

13
14 CHAIRMAN GARZA: Well, we could either vote in favor of
15 the motion or vote against.

16
17 MS. LeCORNNU: No, I'm talking about this State hunt.
18 What is our ability to change that?

19
20 CHAIRMAN GARZA: Okay, Gabriel and then Bill.

21
22 MR. GEORGE: I'll defer to Bill.

23
24 MR. KNAUER: Madame Chairman, there are a couple of
25 options. One option would be to submit a proposal to the Board
26 of Game. Another option would be to request that Federal
27 public lands be closed during the month of August and the month
28 of December. However, Section 815.3 does say that nothing in
29 this title, referring to Title VIII authorizes a restriction on
30 the taking of fish and wildlife for non-subsistence uses on the
31 public lands, blah, blah, blah, unless necessary for the
32 conservation of healthy populations of fish and wildlife and
33 then it continues on. And you've heard that there is no
34 biological justification to close it, so that might be rather
35 difficult to convince the Board of.

36
37 MS. LeCORNNU: Excuse me, I have another question.

38
39 CHAIRMAN GARZA: Vicki.

40
41 MS. LeCORNNU: How can they say that there's biological
42 reasoning when they don't even know how many deer are required
43 of the island residents? That was my question to begin with.
44 All that biological reasoning doesn't do any good unless you
45 know what the need is. So what I'm saying is if there's one
46 person on the island that said he went hungry because of the
47 impact of the Ketchikan hunters, that's biological evidence to
48 me that he is not getting enough. So yeah, I'm just trying
49 to.....

50

00200

1 MR. KNAUER: Yes, Madame Chairman, the information on
2 deer population and harvest does not indicate that there is
3 sufficient take by non-qualified residents that is
4 significantly -- that is adversely impacting the subsistence
5 user. In other words, opportunity for the subsistence user is
6 available to take deer that they believe is either culturally
7 or nutritionally required.

8
9 CHAIRMAN GARZA: Gabriel.

10
11 MS. LeCORNU: Okay, thanks.

12
13 MR. GABRIEL: My guess, on the other hand of that or
14 following back up is that the opportunity is an opportunity and
15 not a guarantee.

16
17 CHAIRMAN GARZA: Further discussion. John.

18
19 MR. VALE: I speak against the proposal. The
20 information we received, I don't feel we have a serious
21 conservation concern here to warrant the restriction of the
22 season.

23
24 CHAIRMAN GARZA: Gabriel.

25
26 MR. GABRIEL: I speak against the motion also and would
27 like to call for the question.

28
29 CHAIRMAN GARZA: Question has been called on the
30 motion. The motion would be to restrict the season by dropping
31 August as well as the month of December. If you speak in favor
32 of the motion you speak in favor of a shorter season, if you
33 speak against the motion, then the proposal would be to leave
34 it as is. All in favor of the motion signify by saying aye.

35
36 MR. NICKERSON: Aye.

37
38 CHAIRMAN GARZA: Opposed to the motion aye.

39
40 IN UNISON: Aye.

41
42 CHAIRMAN GARZA: Proposal 11 fails.

43
44 MR. VALE: Move to adopt Proposal 12.

45
46 MR. GABRIEL: Second.

47
48 CHAIRMAN GARZA: It's been moved and seconded to adopt
49 Proposal 12. The intent of this motion and correct me if I'm
50 wrong since I seem to be wrong this morning, is that it would

00201

1 remove the hunt for doe and it would close deer hunting by non-
2 qualified subsistence users from August 1 through August 31st
3 and I guess in regard to that part of the motion we need to
4 hear from Bill. Can we close the -- not close deer hunting for
5 non-qualified subsistence hunters for the month of August?
6

7 MR. KNAUER: Madame Chairman, I think that both Mr.
8 George and myself addressed that last time, that the biological
9 information does indicate that opportunity is provided and that
10 there's no biological justification to recommend the closure of
11 the season during that period.
12

13 MR. VALE: Call for the question.
14

15 CHAIRMAN GARZA: Question has been called on the
16 motion. Again, the motion would remove the doe season and it
17 would reduce the season for non-qualified subsistence users
18 excluding them from the month of August.
19

20 MR. NICKERSON: Madame Chair.
21

22 CHAIRMAN GARZA: Jeff.
23

24 MR. NICKERSON: Just a correction, it does not remove
25 the doe season.
26

27 MR. GABRIEL: When it says four antlered deer, that's
28 -- unless does get antlers.....
29

30 MR. NICKERSON: Okay, I'm sorry.
31

32 MS. LeCORNU: Yeah, you're reading the wrong.....
33

34 MR. NICKERSON: I was reading the wrong regulation, I'm
35 sorry.
36

37 CHAIRMAN GARZA: Okay. It strikes the section that
38 refers to antlerless deer so I would read that it removes the
39 doe season. Okay.
40

41 MS. LeCORNU: Question.
42

43 CHAIRMAN GARZA: Question has been called on the
44 motion. All in favor of the motion signify by saying aye.
45

46 (No aye responses)
47

48 CHAIRMAN GARZA: Opposed to the motion.
49

50 IN UNISON: Aye.

00202

1 CHAIRMAN GARZA: Proposal 12 fails. We have now
2 concluded with the Unit 2 deer proposals.

3
4 MR. THOMAS: Madame Chairman.

5
6 CHAIRMAN GARZA: Mr. Thomas.

7
8 MR. THOMAS: The elder community on this Council would
9 respectfully request a two minute break.

10
11 CHAIRMAN GARZA: You're not the elder, I'll have to
12 confirm with Herman.

13
14 MR. THOMAS: I said the elders.

15
16 CHAIRMAN GARZA: Okay, we will take a five minute
17 recess and if we have information on lunch then we'll figure
18 that out.

19
20 MR. CLARK: That information is available.

21
22 CHAIRMAN GARZA: Okay. The Salvation Army will provide
23 a fund-raising luncheon so we will have lunch here and
24 hopefully we'll be able to eat and work through the session.
25 We have other proposals, however, we need to have Mr. Knauer
26 present on Item 8(A) and there may be public testimony in
27 regards to that topic.

28
29 MR. THOMAS: I see Salvation Army is very appropriate
30 for today.

31
32 CHAIRMAN GARZA: Recess.

33
34 (Off record)

35
36 (On record)

37
38 CHAIRMAN GARZA: We still have a number of proposals to
39 go through. We have Proposals 2 through 8, which are c&t.
40 Proposal 13, which we tabled, and Proposal 17 and 18, which are
41 also c&t. In addition we have a request from Mr. Knauer to
42 make a presentation on Item, Old Business 8(A), the Proposed
43 Rule for Federal Subsistence Management. That Proposed Rule is
44 in our packet. I hope you have all had an opportunity to
45 review it and there may be public testimony in regard to that
46 Proposed Ruling. Okay, so we'll start with Mr. Knauer and then
47 Tom did shake his head yes for public testimony. Bill.

48
49 MR. KNAUER: I appreciate yours and the Council's
50 indulgence in the change in the order of things. I'd like to

00203

1 make first a short presentation on the Proposed Rule that would
2 put in place the court ordered extension of Federal
3 jurisdiction for the subsistence uses of fish in Federal
4 waters. This is part of a presentation that is being made to
5 all of the Regional Councils. And in addition, 31 public
6 hearings around the state to solicit testimony on this.

7
8 As you're aware Title VIII of the Alaska National
9 Interest Lands Conservation Act provides a priority for
10 subsistence uses by rural Alaska residents on Federal public
11 lands. In a case that's commonly referred to as the Katie John
12 case, a Federal court ruled that the term public lands as used
13 in Title VIII includes navigable waters in which the United
14 States has reserved water rights. The Departments of the
15 Interior and Agriculture have tentatively identified those
16 waters as inland or fresh waters within or adjacent to the
17 boundaries of conservation system units, such as National
18 Wildlife Refuges, National Parks, National wild and scenic
19 rivers, and certain other Federally reserved areas such as the
20 National Petroleum Reserve in Alaska, and inland waters within
21 or adjacent to the boundaries of National Forests as long as
22 those waters are bordered on at least one side by Federal land.
23 You can see where those waters are by looking at the Regional
24 map on the wall behind you, on the wall at the back or looking
25 at statewide at the statewide map, those waters are indicated
26 in red. Those are our tentative identifications. The Proposed
27 Rule also includes in the definition of public lands, those
28 lands within the boundaries of a conservation system unit,
29 national recreation area or national conservation area or new
30 national forest or forest addition. The selected but not yet
31 conveyed lands. This does not include most Bureau of Land
32 Management lands or selections within NPR-A.

33
34 For waters in Southeast Alaska, a good way to think
35 about what waters would be included are if you can stand on
36 National Forest Service lands and fish in fresh water, those
37 waters would probably be included.

38
39 An advanced notice of Proposed Rulemaking was published
40 in the Federal Register on April 4th of 1996 to solicit
41 comments from interested parties concerning the suggested
42 regulatory changes. There were 10 hearings around the state in
43 May and June of that year. Here in Southeast, there were
44 hearings in Juneau and Sitka and in Ketchikan. In addition,
45 there were two informational teleconferences with the Regional
46 Council Chairs. The comments we receive both in writing and
47 during the hearings in response to the advanced notice provided
48 the agencies with a sense of how the public viewed the general
49 jurisdictional concepts. Throughout the state they told us
50 that fisheries are very important to rural subsistence users.

00204

1 We also received comments that before statehood, the Federal
2 government managed fish and shell fish poorly and that the
3 State should therefore manage fishing, hunting and trapping
4 throughout Alaska. Other folks told us that the State has
5 failed to provide for subsistence uses and the Federal
6 government should take over management throughout Alaska. That
7 is all waters. There were numerous other comments that I'm not
8 going to go into. They are summarized on the blue sheet in the
9 back of the room, and to save time we'll not go into those now.

10
11 In accordance with the National Environmental Policy
12 Act, NEPA, we prepared an Environmental Assessment that
13 analyzed the environmental effects of the Proposed Rule. The
14 primary issues in the EA included the effects of dual
15 management, customary trade, and potential impacts on
16 fisheries. The Environmental Assessment determined that no
17 significant effects are expected in any of these three areas.
18 The State already provides, in general, for a subsistence
19 escapement. The customary trade is provided for at a level
20 that does not constitute a significant commercial enterprise.
21 And that both the State and the Federal program require and
22 populations are managed for the conservation of healthy fish
23 and wildlife populations. Therefore, no significant impact is
24 expected.

25
26 Where possible, the Proposed Rule was modified to
27 correct shortcomings and address specific issues that were
28 raised following the publication of the Advance Notice. Some
29 of the key provisions of the Proposed Rule that have been
30 changed include identifying specific Federal land units where
31 reserved water rights exist. Includes some selected but not
32 yet conveyed lands within the definition of public lands.
33 Specify that the Secretaries are retaining their existing
34 authority to determine when hunting, fishing or trapping
35 activities off of Federal lands are interfering to such an
36 extent as to result in a failure to provide the subsistence
37 priority and to take any action that might be necessary to
38 restrict or eliminate the interference. Provide for ongoing
39 customary trade practices. And five, adopt State subsistence
40 fishing regulations that apply to the Federal jurisdiction,
41 making only a minimum number of changes. We would generally
42 adopt the State subsistence fishing regulations that apply to
43 the Federal jurisdiction because we do not anticipate that we
44 will have the necessary resources, either Staff and budget, in
45 place to implement a final program or even an annual rulemaking
46 process prior to the start of the 1999 fishing season. We'll
47 want to ensure a minimum level of confusion between the State
48 and Federal management and minimize the risk to the fisheries
49 resources while we would be developing complete the Federal
50 Subsistence Fisheries Program. This is much like the situation

00205

1 that occurred in 1990 when the Federal government assumed
2 subsistence management for wildlife. We initially used the
3 State's regulations as a basis for the Federal Program because
4 at that time we didn't have the time, money or staff or
5 Regional Advisory Council structure in place. But over the
6 years, as you're aware, significant changes accommodating the
7 local users have been made in the Federal regulations.

8
9 You'll notice that a copy of the Proposed Rule, we've
10 identified the major areas of text that have been changed or
11 modified with sidebar markings to assist you. Overall most of
12 the text will be familiar because you are presently operating
13 under a version of Subparts A, B and C, which provide the
14 structure for the Federal program. And the Subpart D has been
15 in place essentially under the State subsistence regulations to
16 the current times. So you should be familiar with both the
17 structure of the Federal program and the particular
18 requirements of the State subsistence program.

19
20 The Board realizes that there may be some things about
21 the current system that you feel need fixing immediately, but
22 because of these limitations just mentioned, the Final Rule
23 will have to track rather closely with the current State
24 regulations. However, if there are some specific existing
25 regulations that are of critical concern to you we would like
26 to know before final Rule is developed. At the present time,
27 only changes occurring within the boundaries of the
28 Conservation System Units, that is within the Federally
29 reserved waters would be considered.

30
31 We will examine the comments that we receive in writing
32 and by public testimony and pay particular attention to those
33 recommendations from the Regional Councils in developing
34 changes.

35
36 You're probably aware that there currently exists
37 language in the Interior Appropriations Act a prohibition on
38 the implementation of the Federal Fisheries Program. This is
39 the third year that moratorium language has been inserted in
40 the.....

41
42 (Phone interruption)

43
44 CHAIRMAN GARZA: Lonnie are you there?

45
46 MR. THOMAS: Boy that woke me up.

47
48 CHAIRMAN GARZA: Okay, Mr. Knauer.

49
50 MR. KNAUER: Thank you. Because of this moratorium we

00206

1 are required to wait until December 1st, of this year, 1998
2 before implementing the court's decision. However, the
3 moratorium does not preclude us from continuing toward
4 development of a Final Rule by publishing the Proposed Rule and
5 holding hearings and receiving comments. Should the State
6 regain subsistence management the Federal government will not
7 issue a final rule extending jurisdiction. If the State is
8 unable to resume subsistence management on Federal lands and
9 the Congressional moratorium expires then we will publish a
10 final rule and implement the court's mandate to expand Federal
11 jurisdiction.

12 We expect the first major opportunity to submit
13 proposals to occur during the winter of 1999/2000 to be
14 effective the fishing season of the year 2000. Before you
15 begin your deliberations or hear public testimony I would be
16 pleased to answer any questions or try to clarify any areas of
17 concern that you might have.

18
19 CHAIRMAN GARZA: So Mr. Knauer, the deadline for
20 responding to these Proposed Rules is April 20th, is that what
21 I say?

22
23 MR. KNAUER: That is correct.

24
25 CHAIRMAN GARZA: Okay, so April 20th, 1998. We did
26 respond to the first request for -- or the first draft that
27 came out at Kake. We drafted a response and we may wish to do
28 that again, although I don't know how that will happen between
29 now and April. We'll have to discuss that. And I guess in
30 looking at it the part that specifically pertains to us,
31 although I guess all of it does, is on Page 66-236 of the
32 Federal Register where the area is Southeast.

33
34 Okay, are there questions specific to Mr. Knauer
35 regarding these Proposed Rules or the process?

36
37 MR. THOMAS: Madame Chairman.

38
39 CHAIRMAN GARZA: Mr. Thomas.

40
41 MR. THOMAS: More was said than I could remember from
42 where I wanted to make a point. But when you first started
43 off, you did say that initially that we'll be virtually
44 embracing what the State currently has in place. Was I correct
45 in hearing that?

46
47 MR. KNAUER: For their subsistence regulations.

48
49 MR. THOMAS: Right.

50

00207

1 MR. KNAUER: Yes. We have made a couple.....

2

3 MR. THOMAS: I don't have a problem with that. Do you
4 recall what you said immediately following that?

5

6 MR. KNAUER: That this was a similar situation to what
7 we had when we took over the wildlife program, where, because
8 we didn't have the time, money or Regional Councils in place we
9 had to go with the State program and that since that time, the
10 Federal Subsistence Board, based on the recommendations of the
11 Regional Councils have made changes to better accommodate the
12 subsistence users.

13

14 MR. THOMAS: Thank you.

15

16 MR. KNAUER: This Proposed Rule, by the way, one of the
17 changes that was made was based on recommendations of the
18 Southeast Regional Council to modify the customary and
19 traditional use determinations. And one other another change
20 that you will see in here, also on the recommendation of the
21 Regional Council is to change the fin that would be clipped to
22 accommodate the way fish are handled down here.

23

24 CHAIRMAN GARZA: Okay. First me. So in looking at it,
25 if it fairly mimics State subsistence fisheries regulations
26 which we may or may not agree to and we'll probably respond to
27 that, but one of the major changes as is is that non-locals
28 will generally no longer qualify for subsistence permits. So
29 as an example, people from Juneau would not be able to go to
30 Redoubt and dip 10 sockeye under a subsistence permit; is that
31 correct?

32

33 MR. KNAUER: Not under the Federal program.

34

35 CHAIRMAN GARZA: Okay. So that would be one of the
36 major changes, is the qualification of it. Okay, Vicki and
37 then Bill.

38

39 MS. LeCORNUE: I just had a question for Bill on what
40 were the changes to customary trade?

41

42 MR. KNAUER: In Southeast, I believe this Regional
43 Council requested that additional species be included --
44 recognizing -- I'm not sure exactly the changes, but salmon,
45 dolly varden, char, trout, smelt, and hooligan.

46

47 CHAIRMAN GARZA: Well, one, it didn't include all
48 salmon, so that was one of our recommendations. Okay, Bill.

49

50 MR. THOMAS: Would you read the paragraph where it says

00208

1 that you have an abundance of funding with a 10 percent cushion
2 as soon as you're served notice that it's need to implement
3 this? You mentioned something about the lack of funding, and I
4 know you don't have it and you probably won't get it so what
5 happens in that case?

6
7 MR. KNAUER: There are numerous scenarios. Just this
8 week, Secretary Babbitt was testifying before the Senate -- one
9 of the senate committees and he did identify that that was a
10 concern of the departments, and indicated that if the Federal
11 government was to assume management that there would be a
12 request needed and action on it to -- for additional funds.

13
14 MR. THOMAS: Thank you.

15
16 CHAIRMAN GARZA: Okay, we have a request to testify.
17 Are there other questions to Mr. Knauer at this time? Okay,
18 Tom.

19
20 MR. ABEL: Thank you, Madame Chairman. Is the
21 microphone okay?

22
23 REPORTER: It's fine, thank you.

24
25 MR. ABEL: My name is Tom Abel, my Haida name is
26 Skeelaw. I reside in the community of Hoonah, I'm originally
27 from Craig. First of all, I'd like to thank you for the
28 opportunity to provide these brief remarks, I'm not going to be
29 reading everything that I have in front of me so you can relax
30 a little bit.

31
32 What I want to do is excerpt some things that I'm going
33 to be providing in my written comments to the Department of
34 Interior and the United States Forest Service, Department of
35 Agriculture on the Proposed Rule.

36
37 The first thing I wanted to say is that here we are
38 once again or are we still here? The subsistence issue has
39 been before us for a long time now, it must be one of the all
40 time paper producers of all government issues in Alaska. Prior
41 to 1980, there was little said or done about subsistence,
42 however, with its newly found oil wells, the new state of
43 Alaska began enforcing laws and regulations which were
44 heretofore not in place, or if they were in place, they were
45 not enforced.

46
47 In its findings of fact the Congress states in Title
48 VIII, Section 801, the continuation of the opportunity for
49 subsistence uses by rural residents of Alaska including both
50 Natives and non-Natives on the public lands and by Alaska

1 Natives on Native lands is essential to Native physical,
2 economic, traditional and cultural existence and to non-Native
3 physical, economic, traditional and social existence. And in
4 order to fulfill the policies and purposes of the Alaska Native
5 Claims Settlement Act and as a matter of equity, it is
6 necessary for the Congress to invoke its Constitutional
7 authority over Native affairs and it's Constitutional authority
8 under the property clause and the commerce clause to protect
9 and provide the opportunity for continued subsistence uses on
10 the public lands by Native and non-Native rural residents.
11

12 Madame Chairman and Council members I start with these
13 words from Title VIII because they are strong words, words
14 which were supposed to fix the inequities caused by Section
15 4(B) of ANCSA wherein hunting and fishing rights were
16 purportedly extinguished. These words also clearly delineate
17 rights which belong to two groups of people occupying the same
18 or similar territory. That is, these findings of Congress
19 state that there are Natives and non-Natives and is also clear
20 that there are striking similar but different reasons for
21 protection of the opportunity to practice a subsistence
22 lifestyle. Natives have cultural reasons, non-Natives have
23 social reasons. Congress clearly recognized that the
24 inequities to Alaska Natives caused by Section 4(B) of ANCSA
25 needed to be fixed. However, Congress also chose to couch the
26 restoration in a general rights protection action for rural
27 residents including both Natives and non-Natives. The
28 dichotomy, however, is strikingly clear. It is a backdrop
29 against which all of these rights must be considered.
30

31 I'd like to excerpt a couple more comments or a couple
32 more statements that are found, for instance, in the Charter of
33 the United Nations at Article 73. The United States has
34 assumed the sacred trust, the obligation to promote to the
35 Eskimos utmost within the system of international peace and
36 security established by the present charter of the well being
37 of the inhabitants of these territories, and to this end, to
38 develop self-government to take to account of the political
39 aspirations of the peoples and to assists them in the
40 progressive development of their free political institutions.
41 According to the particular circumstances of each territory and
42 as peoples in their variant stages of development. I excerpt
43 this comment from the United Nations Charter because it's
44 always been said by many government officials that Alaska
45 Natives have no treaties. In my opinion, this is not true.
46 The Charter of the United Nations is, indeed, a treaty to which
47 the United States of America is signatory, ratification and
48 implementation legislation has been enacted by the United
49 States Senate and proclaimed by the office of the President.
50 In my opinion, it appears that the United States of America is

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1 reacting through International Treaty obligations including,
2 but not limited to the Charter of the United Nations and the
3 International Covenant on Civil and Political rights.

4
5 In addition, the International Covenant on Economic,
6 Social and Cultural Rights, which was passed as Companion Human
7 Rights law by the United Nations and to which the United States
8 has not become signatory nor have they passed implementation
9 legislation. However, in the International Covenant on Civil
10 and Political Rights, it states in pertinent part:

11
12 1. All peoples have the right of self-determination.
13 By virtue of that right they freely determine their political
14 status and freely pursue their economic, social and cultural
15 development. All peoples may, for their own ends, freely
16 dispose of their natural wealth and resources based upon the
17 principal of mutual benefit and international law. In no case
18 may people be deprived of its own means of subsistence. The
19 State's party to the present covenant including those having
20 the responsibility for the administration of non-self-governing
21 trust territories shall promote the realization of the right of
22 self-determination and shall respect that right in conformity
23 with the provisions of the Charter of the United Nations.

24
25 The point I'm trying to make is that there is a realm
26 beyond the Federal courts and the Congress for subsistence use
27 and the protection of subsistence rights. This is or may
28 become an international matter. The United States of America
29 by its own signature has assumed the sacred trust and becomes
30 signatory to these international agreements which guarantee
31 subsistence rights.

32
33 I have testified to this effect at hearings on the
34 Compact of Free Association in Honolulu, Hawaii. Alaska and
35 Hawaii were, as you may know, or should know, non-self-
36 governing territories identified as such in the Charter of the
37 United Nations.

38
39 Here we are in 1998 still trying to resolve the issue
40 of subsistence. State of Alaska has now had 18 years to figure
41 out what to do. And I want to quote for you the very poignant
42 remarks made by Senator Lambert Hoffman at the first Special
43 Session of the Alaska Legislature on subsistence held several
44 years ago. In a finance committee hearing, Senator Hoffman
45 said, why can't we just follow the law? I want to echo those
46 words. Why can't the State follow the law? In my opinion,
47 it's because the State doesn't want to follow the law.

48
49 ANILCA, again to go back to ANILCA, it does not say
50 anything about permits, seasons or bag limits. Yet, we are now

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1 faced with a very thick booklet which sets out complicated
2 rules for a simple activity. Hunger knows no seasons. Hunger
3 knows nothing about permits or permission. Hunger is the
4 driving force of all human people. The deprivation of food and
5 the destruction of resource and habitat has been a tactic of
6 war practice by the British from the time of the empire's
7 building to the time of their empire's demise. Now, the
8 greatest power in the world is United States of America and we
9 see once again the destruction of habitat, the destruction of
10 resources and the concomitant destruction of a culture and
11 cultures of Alaska.

12
13 Whether or not this is done on purpose, unwittingly or
14 knowingly is not the issue, the issue is that the current
15 situation and the current morass of laws which govern our
16 people and restrict our access to food which we have used for
17 thousands of years before the advent of Western history is
18 doing nothing more than restricting our ability to take food.

19
20 ANILCA along with ANCSA, Title VIII has been termed
21 Indian Legislation. In the Congressional Record of 1980, Mr.
22 Udal makes these remarks several times. And I want to quote
23 for you one short part of it.

24
25 In recognition of the ongoing responsibility of the
26 congress to protect the opportunity for continued subsistence
27 uses in Alaska by the Alaska Native people. The importance of
28 the subsistence way of life to the survival of the Alaska
29 Native people. Numerous comments, protection of the Alaska
30 Native subsistence way of life would be terminated in one
31 generation as rural residents with established subsistence pass
32 away under decedents with no established customary and
33 traditional uses take their place in the subsistence cycle. It
34 is the intent of this Legislation to protect the Alaska Native
35 subsistence way of life. These are in the record. These are
36 strong words.

37
38 I want to jump now to the customary trade issue. Under
39 the Proposed Rule, customary trade is called something that can
40 be of no significance. Trade, by its very nature and by the
41 dictionary and Black's Law definition is nothing less than a
42 commercial transaction by or between two or more people which
43 is of significance to both. If we're going to be conducting
44 activities that aren't significant to us there's going to be no
45 reason to do them. No one does commercial transactions or
46 trade which is insignificant to them. Trade is based upon
47 significance. It's a basic part of the definition.

48
49 Trade is defined in Black's Dictionary as the act or
50 business of exchanging commodities for other commodities or for

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1 money. It's the business of buying and selling, commerce,
2 barter. Commercial may be defined as made or done primarily
3 for sale or profit. Transaction may be defined as a
4 completion, an agreement. So for the Federal government to
5 issue a Proposed Rule that prohibits any state chartered
6 corporation or business from doing business under the customary
7 trade decision reached by the Ninth Circuit of America, in my
8 opinion, is illegal and the rule will fall.

9
10 I make no threats, I make a promise, I am one of the
11 people that made this decision happen at the Ninth Circuit
12 Court of Appeals. I spent 10 years of my life doing that. And
13 I want to tell anybody that thinks that this will stand that if
14 this Proposed Rule becomes a final rule that I'll be back out
15 there again and we will go back to the Ninth Circuit Court of
16 Appeals and we will over turn this. The court case which is
17 pertinent to this matter is titled United States versus
18 Alexander. In US v. Alexander, the Ninth Circuit Court of
19 Appeals states very clearly and succinctly that customary trade
20 is indeed a right protected by ANILCA. The only people that
21 have the right to customary trade under the Alexander Decision,
22 once again, are Alaska Natives, which once again clarifies and
23 amplifies the dichotomy of which I have previously spoken.

24
25 I want to jump now, in the interest of time, to the
26 exclusion of inside waters, as we call them, within the Tongass
27 Forest National Forest. It's recently come to my attention
28 that in the proclamation creating the Tongass National Forest
29 that the waters were, indeed, included in that proclamation.
30 So in my opinion, the Secretary of Agriculture has
31 misinterpreted the Reserved Waters Doctrine and, in fact,
32 negated the basic portions of the Katie John decision in
33 excluding waters that are significant and extrinsic to the
34 habitat of the salmon which is our most basic food in Southeast
35 Alaska. I think that this rule cannot stand. And the
36 customary and traditional use and customary trade, both need
37 attention.

38
39 I think that the Federal bureaucracies are required by
40 the Constitutional cases that have been previously litigated
41 and won to follow the law. In my conversations with Senator
42 Daniel Inowa when he was the Chairman of the Senate Select
43 Committee in Indian Affairs, he said on the record, and the
44 report which I unfortunately do not have with me today, said
45 that, it is clear that the Ninth Circuit court is one place
46 from which the laws of the land are enunciated. The law of the
47 land is customary trade. I ask that the Federal bureaucracies
48 reconsider their misinterpretation of the Reserved Waters
49 Doctrine and include the inland inside waters of Southeast
50 Alaska as navigable waters subject to Federal management and

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1 jurisdiction under the Proposed Rule.

2

3 I have a number of documents which I would like to
4 submit to be placed upon the record. I will not read them, I
5 will leave a copy of United States versus Alexander. I will
6 leave a paper which I presented at the Southeast Alaska Native
7 Subsistence Summit and the Alaska Statewide Subsistence Summit
8 held in Anchorage in 1997, the paper is entitled Subsistence
9 Rights are Basic Human Rights. And I don't believe that the
10 resolution passed by the statewide summit has been submitted on
11 the record to any body to the State. I would also like to
12 submit to the record the Subsistence Summit Resolution Titled,
13 Native Subsistence Summit Resolution 97-01 Titled, Concerning
14 the Subsistence Rights of the Alaska Native People. And I want
15 to point out that our people have always been very generous.
16 That our people have never allowed anyone in our country, our
17 homelands or our homes to starve or to be deprived of food. I
18 think that in our history that this is something that we can be
19 and always be proud of. And I want to point out, that under
20 the Guiding Principals adopted by the Native Subsistence Summit
21 on August 28th, 1997, that we have stated very clearly that we
22 recognize and demand that the Federal government also recognize
23 and the State government, that subsistence is a basic human
24 right.

25

26 With that, Ms. Chairman, I would conclude my oral
27 remarks and I would also request permission as has been said,
28 indeed, in many forums that I would like to request the
29 indulgence of the Chair and the Recorders that I be allowed to
30 revise and extend my remarks up until April 20th, at which time
31 I will provide for you a full written statement of my testimony
32 and opinions on the Proposed Rulemaking by the United States
33 government and their agencies. With that, I have many, I'm
34 sure for those of you that know me know that I probably could
35 go on forever here, but in the interest of time, I will
36 conclude with that. One final statement and I think that the
37 people from Ketchikan Indian Corporation and Saxman will follow
38 me up on this, in that, under the present regimes that there
39 is, either a knowing or unknowing, unwitting or witting
40 destruction of culture going on. And that these actions,
41 whether they be knowing or not knowing are in violation of at
42 least three international laws. They are contrary to and in
43 violation of the Charter of the United Nations. They are
44 contrary and in violation of the International Covenant on
45 Civil and Political Rights. And they are contrary to and in
46 violation of the Convention of the Prevention and Punishment of
47 the Crime of Genocide. I think that it's incumbent upon the
48 people of Alaska to recognize that international issues are on
49 the table and I want to state to you that I am not the only
50 one, there are people much more conservative than I that have

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1 stated to me that if we cannot reach satisfaction at the
2 Federal level that we have no other choice but to go to the
3 international arena.

4 Madame Chairman, Council members, I want to thank you
5 once again for your time listening to me and making the
6 provision for me in your busy schedule for me to intervene and
7 make these remarks. If you have any questions I would be happy
8 to try to answer them.

9
10 CHAIRMAN GARZA: Okay. Just a matter of process, Tom,
11 your comments will go into the transcription as they have been
12 stated. Your comments to the Federal Register regarding the
13 April 20th deadline will go to Forest Service or Fish and
14 Wildlife Service.

15
16 MR. ABEL: Both, I believe.

17
18 MR. KNAUER: They would be submitted to the Chair of
19 the Federal Subsistence Board in care of the U.S. Fish and
20 Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska
21 99503.

22
23 CHAIRMAN GARZA: Okay. But don't send them back to us
24 because we probably won't meet until this fall. I mean they
25 can be copied to us, but we won't take action until this action
26 unless something happens that we would have a special meeting.
27 So that's just to let you know that we won't be meeting again
28 prior to this deadline.

29
30 MR. ABEL: I understand. They would be for information
31 only.

32
33 CHAIRMAN GARZA: Okay.

34
35 MR. THOMAS: Madame Chairman.

36
37 CHAIRMAN GARZA: Bill.

38
39 MR. THOMAS: I'm happy you didn't use all the time that
40 you could because I'm too old for you to go through all that,
41 so thank you.

42
43 CHAIRMAN GARZA: Thank you, Tom.

44
45 (Applause)

46
47 MR. THOMAS: Good presentation.

48
49 CHAIRMAN GARZA: Okay. So we are at 11:30, it's my
50 understanding that Saxman Salvation Army will provide a

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1 fund-raiser luncheon. So I'm assuming that we will meet until
2 they show up and tell us they're ready to serve us and then we
3 will eat quickly and come back into the meeting. We have a
4 long agenda before us. We covered this topic because
5 Mr. Knauer needed to catch a flight this afternoon, however, I
6 would like to postpone Council action on it until after we have
7 gone through the proposals, of which we have not even covered
8 half of them. If that's okay, I would like to get back to
9 those proposals and -- Mim.

10
11 MS. McCONNELL: I just have -- there's something that I
12 wanted to add to the agenda under new items, and I'm going to
13 pass out some information on it.

14
15 CHAIRMAN GARZA: Distribute?

16
17 MS. McCONNELL: Yeah, distribute. It's on the Control
18 Lake project area and concerning a citizen's alternative. And
19 I'm passing out -- distributing a proposed resolution and a
20 letter that would accompany the resolution. So just read it at
21 your leisure here before the end of the day so that we can take
22 this up very quickly later on.

23
24 CHAIRMAN GARZA: Okay. So that's now under New
25 Business, Item 9(C), Control Lake.

26
27 MS. McCONNELL: Thank you.

28
29 CHAIRMAN GARZA: Mr. Vale.

30
31 MR. VALE: Thank you. Also I'd like the Council to
32 address some business from the Wrangell-St.Elias Subsistence
33 Resource, the hunting plan recommendations that were made. I
34 think we could be fairly brief on it and I would like you to
35 add that to the agenda as well.

36
37 CHAIRMAN GARZA: Okay. Since we have taken that up
38 before would it be under Old Business, F, it's a follow-up to
39 what we covered in Yakutat or what?

40
41 MR. VALE: We haven't dealt with this particular issue
42 before.

43
44 CHAIRMAN GARZA: Okay. So it would be New Business, D,
45 Mt. St. Elias.....

46
47 MR. VALE: The Wrangell-St. Elias Subsistence Resource
48 Commission hunting plan recommendation.

49
50 CHAIRMAN GARZA: Okay, so we just lengthened our

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1 agenda, we need to get hopping on proposals. I would like to
2 go back to Proposal 13. Proposal 13, which is on Page 97 of
3 our packet was discussed somewhat at length and then we tabled
4 the proposal because neither John Feller nor Lonnie Anderson
5 were here. Both are Council members from that area so we
6 wanted to get comments from them. In reviewing the proposal,
7 there was no voiced objection to expanding the area which is a
8 main part of the intent of the proposals. There was concern as
9 to the section that requires a size for the rack, that it would
10 be 50 inch or three or more brow tines. Whether or not that
11 restriction to the proposal was necessary. Include one
12 antlered bull with spike-fork or 50-inch antlers or three or
13 more brow tines. And so we were interested in comments from
14 Lonnie in Kake or John in Wrangell as to whether or not they
15 had issue with that type of a restriction.

16
17 MR. ANDERSON: Madame Chairman.

18
19 CHAIRMAN GARZA: Lonnie.

20
21 MR. ANDERSON: Yes. We find that the present
22 restrictions are adequate for our needs. We've been able to
23 harvest -- now, that we've learned what to look for, and I
24 don't think there should be any change, this sort of goes along
25 with the State restrictions anyway. And those would be my
26 comments on that specific instance.

27
28 CHAIRMAN GARZA: Okay, thank you, Lonnie. I guess in
29 reviewing this proposal, I wasn't sure if these proposed
30 restrictions to the antler were the same as the current State
31 ones or were the same as the Federal for the other area -- yes,
32 they are. So you're saying you have no opposition to the
33 proposal then, Lonnie.

34
35 MR. ANDERSON: I have no comments on the proposal, in
36 that, I think that it should stay as is.

37
38 CHAIRMAN GARZA: Okay, thank you, Lonnie. John.

39
40 MR. FELLER: Initially Wrangell hunters, if you
41 remember, didn't want to expand that hunt. I think we had a
42 month shorter, and this has been put in line with the State.
43 But since then, we feel the herd is strong enough on Wrangell
44 Island I'm pretty sure Mitkof is if Petersburg Fish and Game
45 brought this proposal to the table. So I guess I concur with
46 Lonnie as long as Kake goes along with it.

47
48 And I know there was some question about the hunt being
49 earlier on Wrangell Island, but overall I think we support the
50 proposal and Staff's recommendation.

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1 CHAIRMAN GARZA: Okay.

2

3 MR. FELLER: And I appreciate you guys holding on this
4 one until I got in.

5

6 CHAIRMAN GARZA: We wouldn't know how to vote without
7 you.

8

9 MR. FELLER: Okay, thank you.

10

11 CHAIRMAN GARZA: Okay. So we have Proposal 13 on the
12 table.

13

14 MR. VALE: Madame Chair, we never did actually get it
15 on the table.

16

17 CHAIRMAN GARZA: Okay.

18

19 MR. VALE: So I move to adopt Proposal 13.

20

21 MS. LeCORNUE: Second.

22

23 CHAIRMAN GARZA: It's been moved and seconded to adopt
24 Proposal 13. Any further discussion?

25

26 MR. VALE: Question.

27

28 CHAIRMAN GARZA: Question has been called. All in
29 favor of the motion signify by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN GARZA: Opposed.

34

35 (No opposing responses)

36

37 CHAIRMAN GARZA: Motion passes, although there were
38 some quiet eyes in the crowd.

39

40 MR. THOMAS: So we adopted the proposal, right?

41

42 CHAIRMAN GARZA: Yes. Proposal 13 is adopted. Okay,
43 so that moves us on to c&t determination which is why Rachel
44 has been sitting here so patiently for two days. Since Rachel
45 has been sitting here for so long we'll start with c&t and
46 unless there's an objection we'll start with Proposal 2 and
47 work through Proposal 18, and then we have Proposal 1, which is
48 an RFR which means it's a request for reconsideration.

49

50 MS. MASON: Madam Chairman.

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1 MR. CLARK: Madam Chairman.

2

3 MS. MASON: We did Proposal 1 before, that was the
4 Subpart D, and the RFR is off by itself.

5

6 CHAIRMAN GARZA: Oh, I'm sorry, I read it wrong. Okay,
7 we have already passed Proposal 1.

8

9 MS. MASON: Did you want to start with Proposal 2?

10

11 CHAIRMAN GARZA: Yes. So let us all find it in the
12 packet since we all have 9 through 12 dog-eared.

13

14 MS. MASON: It's on Page 21.

15

16 CHAIRMAN GARZA: Okay, Page 21 of your packet.

17

18 MS. MASON: Thank you, Madam Chair. Proposals 2 and 3
19 are considered together. These were both submitted by the
20 Forest Service, Stikine Ranger District, and they request
21 changes in the c&t determination for black bear in portions of
22 Unit 1(C). We combined the proposals in order to present
23 overlapping information at the same time.

24

25 Proposal 2 requests adding the community of Kake to
26 those communities with a positive c&t for black bear in that
27 portion of Unit 1(C) that's south of Bishop Point, including
28 the drainages into Taku Inlet, and Taku River. Proposal 3
29 requests adding the community of Petersburg to those
30 communities with a positive c&t determination for black bear in
31 the portion of Unit 1(C), south of Point Coke which includes
32 the drainages into Williams Cove and Tracy Arm. So neither
33 proposal would change the existing c&t determination for the
34 remainder of Unit 1(C). And those existing determinations
35 include the rural residents of Unit 1(C) and residents of
36 Haines, Gustavus, Klukwan and Hoonah and we note that there is
37 an error, in that, Gustavus is located in Unit 1(C), so it is
38 redundant to say that it's 1(C) and Gustavus.

39

40 From harvest records -- I should also pause briefly to
41 thank Fred for helping me out with these proposals. During the
42 height of the proposal analysis writing season I had to go to
43 Minnesota to be with my parents and Fred, they wouldn't have
44 gotten done unless Fred had stepped in to help out. So if you
45 guys have any difficult questions about these, address them to
46 Fred, please, instead of me.

47

48 Anyway, the harvest records show that people from all
49 over Alaska and also from outside of Alaska have harvested
50 black bear in Unit 1(C). The records come from the years

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1 between 1973 and 1996. Petersburg, during that time frame,
2 recorded 21 bear kills, black bear. And the community of Kake
3 did not report any black bears in Unit 1(C) during that time,
4 but the residents of that community did report harvesting black
5 bears and other resources and primarily in Unit 3. Using the
6 map that was made by Goldschmidt and Haas in 1946, it's a
7 familiar map that we use all the time. It shows that the land
8 in Southeast Alaska that was traditionally used by the
9 different Tlingit groups for hunting, trapping, fishing and
10 gathering. From that map we can see that Unit 1(C) falls
11 primarily within the boundaries of the traditional lands used
12 by the Douglas and Taku Tlingit but that it does.....

13

14 MR. THOMAS: Taku.

15

16 MS. MASON: Taku. The Taku-Tlingit. But it is evident
17 though that a small portion of the traditional lands, of the
18 Kake-Tlingit are also in Unit 1(C), in the southern portion of
19 Unit 1(C) on the mainland. And the Kake-Tlingits still use the
20 traditional hunting areas that they used for black bears,
21 although they've -- the ones that they have recorded in ADF&G
22 harvest tickets have been primarily in Unit 3, their
23 traditional hunting areas have included parts of Unit 1(C) and
24 a small portion of Unit 4.

25

26 As for the residents of Petersburg, some of the Alaska
27 Native residents of that community trace their decedents to the
28 Kake-Tlingits and some to the Wrangell-Tlingits. And
29 Petersburg's use of black bear in Unit 1(C) is pretty much
30 outside of the local traditional Tlingit ownership group of the
31 Wrangell-Tlingits. Of the 603 black bears reported taken by
32 residents of Petersburg, about three percent of them or 21 of
33 them were from Unit 1(C).

34

35 Generally there's good evidence that throughout
36 Southeast Alaska, black bear has been used continuously
37 wherever it has been found and also been widely shared and
38 traded between communities as well as within the communities.
39 Black bear, as you know, occurs -- the habitat occurs
40 discontinuously throughout Southeast Alaska. So the fact that
41 it has been widely shared and traded shows that people have
42 used it even in areas where black bear did not occur.

43

44 Our preliminary conclusion was to support the proposal
45 with a modification. This would be to add the communities of
46 Kake, Pelican, Petersburg, Point Baker, Sitka, Skagway, Tenakee
47 Springs and Wrangell to those with a c&t use determination for
48 black bear in Unit 1(C). So the c&t determination, according
49 to that recommendation would then include the rural residents
50 of Unit 1(C), Unit 1(D), Unit 3 and the residents of Hoonah,

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1 Pelican, Point Baker, Sitka and Tenakee Springs.

2

3 The justification for this is that in terms of Kake and
4 Petersburg, who were the ones requested, the traditional use
5 and ownership area of the Kake-Tlingits who are the primary
6 residents of the community of Kake extends into Unit 1(C) to
7 include the area that is requested there. While there is no
8 recent harvest data for black bear for the residents of Kake,
9 the fact that their traditional use area included part of Unit
10 1(C) constitutes evidence for a positive c&t for black bear for
11 them. The other communities that are listed in the
12 recommendation should be included because they have an active
13 record of harvest in that unit including Petersburg and the
14 rationale for extending the positive c&t to Unit 1(C) as a
15 whole rather than just the small area requested is for
16 regulatory simplicity. The exclusion of communities that are
17 outside the region is on the rationale that they don't meet the
18 c&t factor that asks that they be accessible to or reasonably
19 accessible to a community or area.

20

21 That concludes the presentation.

22

23 CHAIRMAN GARZA: Okay. Vicki.

24

25 MS. LeCORNU: I have a question for Rachel. I was
26 wondering, does this mean that we're giving Gustavus and Point
27 Baker a customary use?

28

29 MS. MASON: Gustavus already does have a positive for
30 c&t for 1(C). So it does mean that you would be retaining
31 that.

32

33 MS. LeCORNU: And how did that happen, Rachel? I mean
34 it's my understanding that they are not a customary and
35 traditional community and there's probably not one person in
36 that community that is.

37

38 MS. MASON: Yeah, I guess Bill has something.

39

40 MR. KNAUER: Madame Chairman and Vicki. We have to
41 remember the customary and traditional does not hinge on ethnic
42 background.

43

44 MS. LeCORNU: That's right.

45

46 MR. KNAUER: It hinges on a practice of harvest. And I
47 think that Rachel has shown that residents of those areas have
48 a history of harvest.

49

50 CHAIRMAN GARZA: Okay. So to get this on the table, is

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1 there a motion and if there's a motion, can it be for Proposal
2 2 and 3 combined?

3

4 MR. ANDERSON: So moved, Madame Chairman.

5

6 CHAIRMAN GARZA: Okay. So Lonnie, you're moving to
7 adopt Proposal 2 and 3?

8

9 MR. ANDERSON: Yes.

10

11 CHAIRMAN GARZA: Is there a second?

12

13 MR. THOMAS: Second.

14

15 MS. McCONNELL: Second.

16

17 CHAIRMAN GARZA: It's been moved and seconded to adopt
18 Proposal 2 and 3 establishing customary and traditional use for
19 the communities added in the proposal. Bill, John. Okay.

20

21 MR. THOMAS: I was going to suggest, Madame Chairman,
22 that we do this independently. Because by combining them it
23 relieves me of all the stress and strain of the opportunity I
24 have to discuss them individually. Thank you.

25

26 CHAIRMAN GARZA: Okay. If you want to debate yours
27 individually, you can, the rest of us will combine.

28

29 MR. THOMAS: Thank you, Madame Chair.

30

31 CHAIRMAN GARZA: Mr. Vale.

32

33 MR. VALE: Rachel, is there any evidence of Gustavus
34 use of black bear?

35

36 MS. MASON: Yes there is. They have harvested --
37 they've reported harvesting 25 black bears in Unit 1(C) over
38 1973 to 1996.

39

40 MR. VALE: Do you, at all, consider the eight criteria
41 as it reflects on Gustavus?

42

43 MS. MASON: I didn't really examine it in terms of
44 Gustavus because I didn't put them through the hoops or
45 whatever of looking at the community's use because they already
46 had a positive c&t for the -- I'm not aware of any information
47 about the other factors other than the factor of their use that
48 is available.

49

50 MR. CLARK: Madame Chairman.

00222

1 CHAIRMAN GARZA: Fred.

2

3 MR. CLARK: There is some information concerning uses
4 of resources and sharing having to do with Gustavus in the text
5 here. For instance, on Page 29, it shows that Gustavus in a
6 study in '87 from ADF&G information. It shows fairly high
7 pounds per capita use of resources at 240.8 pounds and 100
8 percent participation in harvest, 100 percent use, and 90
9 percent of the people receiving or giving resources.

10

11 MS. MASON: Madame Chair.

12

13 CHAIRMAN GARZA: Rachel.

14

15 MS. MASON: At the same time, on the page before that
16 you will see that in 1987 Gustavus reported in a Division of
17 Subsistence study that they had no.....

18

19 MR. THOMAS: Zero.

20

21 MS. MASON:absolutely no use of black bear in the
22 one year that was in the study.

23

24 MS. LeCORNU: Madame Chairman.

25

26 CHAIRMAN GARZA: Vicki.

27

28 MS. LeCORNU: I guess just for a clarification I just
29 need to know how they become c&t proper?

30

31 MS. MASON: I don't know the answer to that. Many of
32 them we adopted right from the State's c&t determinations. But
33 I don't know if this was one that was taken over from the State
34 or it was one that this Council made a determination on.

35

36 MS. LeCORNU: Madame Chairman, one more comment.

37

38 CHAIRMAN GARZA: Vicki.

39

40 MS. LeCORNU: I'm going to vote in favor of this but
41 what I'm objecting to is that I mentioned the first time I got
42 on the Board in Hoonah, that ANILCA is being interpreted wrong
43 and that we are allowing in communities everywhere under the
44 guise of being rural that they're automatically subsistence
45 communities -- or c&t communities. They may have some
46 subsistence activities, but customary trade and cultural
47 activities that are not there are -- if we're automatically
48 giving them we need to take a look because this ANILCA was made
49 to provide for those people that were there and anybody else
50 that moved in is encroaching. And so, you know, we're allowing

00223

1 a change without purview.

2

3 Thank you.

4

5 CHAIRMAN GARZA: So is there a call for the question?

6

7 MR. THOMAS: Question.

8

9 CHAIRMAN GARZA: Question has been called on the
10 motion. This would be on c&t determination for black bear in
11 Unit 1(C), to expand the number of communities who have that
12 c&t determination. All in favor of the motion signify by
13 saying aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN GARZA: Opposed.

18

19 (No opposing responses)

20

21 CHAIRMAN GARZA: Proposals 2 and 3 pass.

22

23 MR. CLARK: Madame Chairman.

24

25 CHAIRMAN GARZA: Fred.

26

27 MR. CLARK: Just for the record, could you please read
28 what the motion that passed is as soon as you get done chewing.

29

30 CHAIRMAN GARZA: I'm hungry you guys.

31

32 MR. THOMAS: You thought it was easy doing this job,
33 didn't you?

34

35 MR. CLARK: You've been doing such a great job of
36 reading those things into the record it makes it a lot easier.

37

38 CHAIRMAN GARZA: I'm getting crabby. Proposal 2, Unit
39 1(C) black bear, that portion south of Bishop Point, including
40 the drainage into Taku Inlet and Taku River, rural residents of
41 Unit 1(C) and Haines, Kake, Klukwan and Hoonah. This is
42 realizing that Gustavus is already included. Unit 1(C),
43 remainder, rural residents of Unit 1(C) and Haines, Gustavus,
44 Klukwan and Hoonah. So as we passed it, we did not follow the
45 Staff recommendation which would have included the communities
46 of Hoonah, Pelican, Point Baker, Sitka and Tenakee Springs. Is
47 that correct, Rachel?

48

49 MS. MASON: It would have added Wrangell as well. And
50 also it would have made this for the entirety of Unit 1(C)

00224

1 instead of just for a portion of Unit 1(C).

2

3 CHAIRMAN GARZA: Okay. So Lonnie was your motion in
4 favor of Proposal 2 and 3 as written or in favor of the Staff
5 recommendation, which would have been a broader interpretation?

6

7 MR. ANDERSON: I was under the interpretation that it
8 would support the Staff recommendation.

9

10 CHAIRMAN GARZA: Okay. So it was the intent of the
11 maker of the motion that it would support the Staff
12 recommendation. Was that the intent of the second of the
13 motion?

14

15 MR. THOMAS: I wanted to make sure that Wrangell was in
16 there.

17

18 CHAIRMAN GARZA: Okay. We want to make sure Wrangell
19 and.....

20

21 MR. THOMAS: Taku.

22

23 CHAIRMAN GARZA:Taku. Okay, so if there is no
24 objection to those who voted in favor of the motion, then the
25 intent is that we supported the Staff recommendation, which
26 includes rural residents of Unit 1(C), 1(D), Unit 3 and
27 residents of Hoonah, Pelican, Point Baker, Sitka and Tenakee
28 Springs to those with a positive c&t use determination for
29 black bear in Unit 1(C), and this includes Wrangell.

30

31 MR. THOMAS: All right.

32

33 CHAIRMAN GARZA: Okay.

34

35 MR. CLARK: Very good, thank you.

36

37 CHAIRMAN GARZA: Okay.

38

39 MR. CLARK: And Madame Chairman, it looks like the food
40 has arrived, so if someone in the back could let us know when
41 it's ready.

42

43 MR. THOMAS: Question's been called.

44

45 CHAIRMAN GARZA: Gabriel.

46

47 MR. GEORGE: I have one comment. You read all the
48 communities located within 1(C), 4, 3, including some of 1(B)
49 with the exception of Angoon. And I was just wondering, is
50 that.....

00225

1 MR. THOMAS: Um-hum.

2

3 CHAIRMAN GARZA: Yeah, I didn't like your comments.....

4

5 MR. GEORGE:sort of action.....

6

7 CHAIRMAN GARZA:earlier so I'm excluding you from
8 further discussion.

9

10 MR. GEORGE: And I'm wondering why, whether you
11 have.....

12

13 MS. MASON: That's one of the ones you should address
14 to Fred.

15

16 MR. THOMAS: That's Fred's bias.

17

18 MR. GEORGE: Yeah. That's a really.....

19

20 CHAIRMAN GARZA: Okay.

21

22 MR. GEORGE:outstanding bias.

23

24 CHAIRMAN GARZA: I guess I was assuming that Angoon
25 already had that c&t, so if not, then we need to include it.

26

27 MS. MASON: Hoonah?

28

29 CHAIRMAN GARZA: Angoon.

30

31 MS. MASON: Oh, Angoon.

32

33 CHAIRMAN GARZA: Do you know offhand?

34

35 MS. MASON: I don't know offhand.

36

37 CHAIRMAN GARZA: So Mr. Thomas, was the intent of your
38 motion to include your neighbors from Angoon?

39

40 MR. THOMAS: Yes, Madam Chairman.

41

42 CHAIRMAN GARZA: Mr. Anderson.

43

44 MR. ANDERSON: I have no objections because -- well, I
45 was going to say there's no black bear in that neighborhood, so
46 they're just -- you know, brown bear -- I have no objection.

47

48 MR. THOMAS: Well, we'll plan something.

49

50 MR. CLARK: Madame Chair.

00226

1 CHAIRMAN GARZA: Fred.

2

3 MR. CLARK: To address Gabe's question. We looked at
4 two different things, one is the harvest records and there was
5 no record for Angoon harvesting bears and it's outside of the
6 customary and traditional use area.

7

8 MR. GEORGE: Yeah, so it wasn't -- I mean which is what
9 my comment was on record.

10

11 MR. CLARK: Right.

12

13 MR. GEORGE: That records generally don't depict unless
14 it's a house-to-house survey and all. But anyway, it just
15 looked kind of suspect in terms of extending that all
16 throughout without including so that it's excluding versus
17 Angoon.

18

19 MR. CLARK: I'll tell you what, Gabe, you document the
20 use and we'll get it in, okay.

21

22 MR. THOMAS: Question.

23

24 CHAIRMAN GARZA: We already voted. Okay, can someone
25 check on someone in the kitchen as to whether or not we can
26 eat.

27

28 MR. CLARK: Madame Chairman, they just informed me it
29 would be 10 minutes.

30

31 CHAIRMAN GARZA: Okay, it will be 10 minutes.

32

33 MR. CLARK: That was two minutes ago so I assume that's
34 eight.

35

36 MR. THOMAS: Ten minutes.

37

38 MR. VALE: That gives us time to finish up the rest of
39 the proposals.

40

41 CHAIRMAN GARZA: That's right.

42

43 MR. THOMAS: Madam Chairman, I move that we deal with
44 the rest of the proposals as a block.

45

46 CHAIRMAN GARZA: Okay. Proposals 4, 5, 6, 7 8, 17 and
47 18.

48

49 MR. THOMAS: Dies for lack of a second.

50

00227

1 MR. ANDERSON: I second Mr. Thomas' motion.

2

3 CHAIRMAN GARZA: Okay. Maybe perhaps what we can do to
4 expedite it is to see first if there are any questions of
5 Rachel and I'm assuming that the Council has been diligent and
6 has read the materials regarding these proposals and so if you
7 want the report from Rachel she can do it. If we feel
8 comfortable voting on the Staff recommendation, we can also do
9 that. We have before us Proposal 4.

10

11 MS. MASON: This one is just for Kake and no Petersburg
12 involved in this one for brown bear.

13

14 CHAIRMAN GARZA: So Proposal 4 would revise customary
15 and traditional use determination for brown bear in Unit 1(C)
16 and include Kake to the communities which have c&t. Are there
17 comments? Is there a motion to adopt Proposal 4 or the Staff
18 recommendation?

19

20 MR. ANDERSON: Madam Chairman, in order to speed things
21 up I make the motion we adopt the Staff's recommendation.

22

23 MR. THOMAS: Second.

24

25 CHAIRMAN GARZA: It's been moved and seconded to adopt
26 the Staff recommendation which is found on Page 32, and the
27 accompanying data follows that.

28

29 MS. MASON: Actually it's Page 43.

30

31 MR. THOMAS: Forty-three?

32

33 MS. MASON: Yeah.

34

35 CHAIRMAN GARZA: Okay, well, Page 32 is a summary of
36 it.

37

38 MR. THOMAS: The recommendation is support the proposal
39 with the following modifications. Residents of Kake should be
40 added to those communities with a positive c&t for brown bear
41 in all of Unit 1(C) rather than only that portion of Unit 1(C),
42 south of Bishop Point.

42

43 CHAIRMAN GARZA: So Rachel, then you can summarize that
44 Kake has a demonstrated use of brown bear in this area and that
45 the intent is to increase the area to make it.....

46

47 MS. MASON: Kake is added with a similar rationale to
48 what was the black bear one. Which was that their traditional
49 use area includes a portion of Unit 1(C). There's not any
50 recent harvest records by Kake residents.

00228

1 CHAIRMAN GARZA: Okay. And the area was expanded to
2 make it fit the Unit 1(C) geographic designation?

3
4 MS. MASON: That is correct. There is an added
5 modification that's not really spelled out in the preliminary
6 conclusions. And that would be to change the c&t regulation to
7 include all residents of Unit 1(D), rather than naming the
8 communities because that would -- what is there now is Haines,
9 Klukwan and Skagway and it would just simplify the regulation
10 to say residents of Unit 1(D).

11
12 CHAIRMAN GARZA: So that would include Klukwan?

13
14 MS. MASON: That is correct.

15
16 CHAIRMAN GARZA: Is that the community not listed?

17
18 MS. MASON: That is correct.

19
20 CHAIRMAN GARZA: Gabriel.

21
22 MR. GABRIEL: I believe when we discussed c&t's for
23 Southeast in terms of the Regional Council we looked at what
24 was excluded by Federal regulation which was, of course, Juneau
25 and Ketchikan. We addressed the communities that were in
26 Southeast and it included those in terms of c&t's for various
27 species and included temporary communities that were basically
28 logging camps throughout Southeast. So if we're going to look
29 at residents of the community, if temporary communities were
30 logging camps, we excluded those. So to be inclusive and
31 include everyone in the unit, just like I said about Angoon,
32 and we went all the way around it is one thing. To exclude
33 some communities like logging camps is another. And they're
34 still residents of that unit.

35 MS. MASON: Yes.

36
37 MR. GEORGE: So there is a problem with simplicity and
38 exclusion and inclusion.

39
40 CHAIRMAN GARZA: So Gabriel can we address that by
41 saying it would include Kake residents as well as Klukwan,
42 since they are certainly not a temporary community?

43
44 MR. GEORGE: I'd say yes that we would have to name the
45 communities is certainly the way to do it.

46
47 CHAIRMAN GARZA: Okay.

48
49 MR. GEORGE: Otherwise.....

50

00229

1 MS. MASON: That makes sense, and that may have been
2 why they were all named in the first place instead of the unit
3 as a whole.

4
5 CHAIRMAN GARZA: Okay, Vicki.

6
7 MS. LeCORNNU: I agree with Gabe and the reasons for
8 naming those communities are to see if they do have customary
9 and traditional uses. And for Gustavus to pass, they would
10 have to have -- how is it, a pattern of use which includes the
11 handing down of knowledge of fishing and hunting skill values
12 and more from generation-to-generation. Now, I got to go back
13 to the intent of ANILCA when it was passed, it was providing
14 for those communities in place at the time, and as I said,
15 anything else is encroachment. So you know, you say temporary,
16 well, pretty soon they're permanent. When, you know, what 10
17 years, is that customary trade? I don't think so. It says,
18 generation-to-generation.

19
20 MS. MASON: Madame Chair.

21
22 CHAIRMAN GARZA: Rachel.

23
24 MS. MASON: Thank you. Just for clarification I wanted
25 to point out that there is specifically no subsistence priority
26 for Gustavus for brown bear in this particular c&t.

27
28 MS. LeCORNNU: So are they just for species then?

29
30 MS. MASON: Yeah. They go species by species.

31
32 MS. LeCORNNU: Okay. Then I guess maybe that's what I'm
33 trying to determine. I misunderstood, that they were community
34 by community which would have been my way to go. That would
35 have been my determination because it is by community.

36
37 CHAIRMAN GARZA: Okay. This proposal was submitted by
38 the Petersburg Ranger District. And the intent of the proposal
39 is to -- I'm not understanding now, is to include the number of
40 communities who are determined to have a c&t designation or the
41 area?

42
43 MS. MASON: No. The request simply would add the
44 community of Kake to those that currently have a positive c&t.

45
46 CHAIRMAN GARZA: Okay. So currently Haines, Hoonah,
47 Klukwan, Skagway and Wrangell have a positive c&t for brown
48 bear in Unit 1(C). The intent of this proposal would be to
49 include Kake in that determination.

50

00230

1 MS. MASON: That's correct.

2

3 CHAIRMAN GARZA: And that was what you supported as a
4 motion, Lonnie?

5

6 MR. ANDERSON: That's my understanding, that Kake would
7 be included.

8

9 CHAIRMAN GARZA: Okay. So this proposal would support
10 Kake being included into the c&t determination for Unit 1(C)
11 for brown bear. Discussion.

12

13 MR. THOMAS: Question.

14

15 MR. ANDERSON: Question.

16

17 CHAIRMAN GARZA: Question has been called. All in
18 favor signify by saying aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN GARZA: Opposed.

23

24 (No opposing responses)

25

26 CHAIRMAN GARZA: Motion passes. No one's poked out and
27 shook their head yes.

28

29 MR. THOMAS: They're probably sampling.

30

31 CHAIRMAN GARZA: They probably are. We're going to see
32 if they're ready for lunch.

33

34 MR. JOHNSON: They're ready.

35

36 CHAIRMAN GARZA: Okay. So we're recessed until.....

37

38 MR. THOMAS: Three o'clock.

39

40 CHAIRMAN GARZA:until 12:30.

41

42 MR. THOMAS: Three o'clock.

43

44 CHAIRMAN GARZA: Until 12:30.

45

46 (Off record)

47

48 (On record)

49

50 CHAIRMAN GARZA: I would like to thank the Salvation
Army for coming to our rescue and providing us with such a

00231

1 wonderful lunch at such a good price. Now, that we're filled
2 with good subsistence food and Sisterhood Stew we should be
3 able to just zip right through and make good decisions.
4 Proposal 5. Proposal 5 and 6 have been combined for analysis
5 purposes. I don't want to deal with anymore proposals on deer.
6 This is Unit 1(C) and (D), revise customary and traditional use
7 determination. Can you summarize the proposed regulation,
8 Rachel.

9
10 MS. MASON: It's actually identical to Proposals 2 and
11 3 except that this is for deer rather than for black bear.
12 There's going to be four proposals like this, the last one is 7
13 and 8. And that's similar, and I can't remember, I guess that
14 one was goat. But all of them are requesting to add Kake to
15 one portion of Unit 1(C) and Petersburg to another portion of
16 Unit 1(C). And in each of them our recommendation was to adopt
17 that but also add some other communities to it because we
18 looked at the pattern of use of all of them.

19
20 And for this one, for example, the preliminary
21 conclusion was to support the proposals with the modification
22 to add the rural residents of Unit 4, which incidentally, does
23 include Angoon and residents of Kake and Petersburg to the c&t
24 determination for all of Unit 1(C). So we had a similar
25 approach in this one to the other ones and again, asking for it
26 to be for all of Unit 1(C) instead of just for a small portion
27 of Unit 1(C).

28
29 MR. THOMAS: Move to adopt.

30
31 MR. GABRIEL: Second.

32 CHAIRMAN GARZA: Okay. What are you moving to adopt?

33
34 MR. THOMAS: To include these residents of Unit 4 and
35 residents of Kake, Petersburg to the c&t determination for deer
36 in Unit 1(C).

37
38 CHAIRMAN GARZA: Okay. So this would be to accept the
39 Staff recommendation for Proposals 5 and 6?

40
41 MR. THOMAS: Yes.

42
43 CHAIRMAN GARZA: Is that what you seconded Gabriel.

44
45 MR. GABRIEL: Yes.

46
47 CHAIRMAN GARZA: Discussion.

48
49 MR. VALE: Take all proposals as.....

50

00232

1 CHAIRMAN GARZA: No, just 5 and 6. The communities
2 that were added are a little different than 7 and 8.

3
4 MR. VALE: And 6 is on.....

5
6 CHAIRMAN GARZA: Five and 6 are both on deer.

7
8 MS. MASON: It's on Page 60, John.

9
10 MR. VALE: Okay.

11
12 MS. MASON: The conclusions are.

13
14 MR. GEORGE: Madame Chair.

15
16 CHAIRMAN GARZA: Gabriel.

17
18 MR. GEORGE: As these lists, and again, the purpose is
19 for purpose and exclusion, you know, temporary communities are
20 not included?

21
22 CHAIRMAN GARZA: Correct. So it would be the
23 communities listed.

24
25 MR. GEORGE: Question.

26
27 CHAIRMAN GARZA: John.

28
29 MR. VALE: I see in Proposal 5 would have Hobart Bay
30 included in there and I don't know anything about them. I was
31 wondering if you could enlighten me?

32
33 MS. MASON: Well, the recommendation was not to address
34 -- I'm sorry, I misunderstood your question; the community of
35 Hobart Bay?

36
37 MR. VALE: Yeah, I see, it has Hobart Bay included in
38 there; am I correct?

39
40 MS. MASON: Yeah.

41
42 MR. VALE: And I'd like to know something about Hobart
43 Bay. What type of community are they? How long have they been
44 there? Do they have a history? Did you look at the eight
45 criteria with regards to that community?

46
47 MS. MASON: I'm just looking to see, Hobart Bay is in
48 Unit 1(C), so they already had a positive c&t, so the extent of
49 our looking at them was to include them because they were
50 listed as a community that had harvested there. So they are

00233

1 there and I don't see that we had any Division of Subsistence
2 studies for them. So their uses were examined insofar as they
3 appeared in the harvest records, but other than that they -- no
4 information was included about them.

5

6 MR. VALE: I guess I have a little bit of a problem
7 with the process that we're going through here, in that, for
8 example, in the last proposal I questioned whether Gustavus was
9 qualified to get a c&t determination on black bear.

10

11 MS. MASON: Um-hum.

12

13 MR. VALE: They were already included. Apparently they
14 were picked up because the State program was wide sweeping and
15 included everybody. And I don't know anything about Hobart Bay
16 in this example and I guess I'm having trouble with that
17 because I'm not prepared to make a motion to drop them because
18 nobody from there has had an opportunity to address us or there
19 hasn't been a proposal out there to do that, but I really do
20 have trouble with including communities that I don't know are
21 qualified. I guess I'm just throwing that out to the Council
22 members, certainly, you know, Kake, Petersburg, Wrangell and
23 others are well qualified. But you know, I just feel very
24 strongly that the eight criteria should be applied, you know,
25 on a community basis.

26

27 MS. MASON: Um-hum.

28

29 MR. VALE: And I don't mind going unit by unit if all
30 the communities are, you know, clearly qualified. So I just
31 throw that out there, I'm really uncomfortable with
32 wide-sweeping motions that include all communities when some of
33 them may not be qualified. This creates a little heartburn for
34 me but I'm not willing to do anything about it.

35

36 CHAIRMAN GARZA: Okay, Mary.

37

38 MS. RUDOLPH: I feel the same way as John does. I know
39 a couple of years ago we had talked about being careful about
40 how we voted on things that we weren't sure of. And as far as
41 I know Hobart Bay was kind of like a logging place that lifted
42 their logs out kind of like a drop off and stuff. I know I
43 have family that's gone in and out of there so it didn't ever
44 seem like it was a community, but a place where they just went
45 in and came out of. So I kind of have a little problem with
46 having to vote on Hobart Bay without any paperwork on them. I
47 had problems with Gustavus also.

48

49 CHAIRMAN GARZA: Okay.

50

00234

1 MS. RUDOLPH: Thank you, Madame Chairman.

2

3 CHAIRMAN GARZA: So for point of clarification we need
4 to know which communities we're discussing as adding to have
5 c&t determination for deer under this proposal.

6

7 MS. MASON: Madame Chair.

8

9 CHAIRMAN GARZA: Rachel.

10

11 MS. MASON: If I could clarify. I agree with the
12 problem that is posed by what John mentioned and what Mary
13 mentioned. And I see the need for us to have a consistent
14 approach to c&t's and not be voting on things that are not --
15 that we have no evidence that they've ever used it or we need
16 to have a way of applying the eight factors.

17

18 What we have generally done in looking at the c&t's is
19 not examine the uses by people that already have a c&t already
20 in the unit. So while the problem is there and it's come up
21 again and again when we've considered c&t's. Specifically in
22 response to what Mary just said about voting on Hobart, we
23 probably -- we aren't literally voting on -- or you aren't
24 voting on Hobart Bay because they're already in there, so it's
25 not adding them but they're already part of it.

26

27 CHAIRMAN GARZA: Gabriel.

28

29 MR. GEORGE: Yeah. Hobart is a logging community so
30 it's a temporary community as far as I know but it does belong
31 to the Hobart Bay camp that does belong to Goldbelt. The same
32 thing with Cube Cove. Cube Cove is a logging community and
33 that is Shiadica's (ph) holdings, but it's not a permanent
34 community as of yet. I mean when you run out of timber then
35 they kind of disappear except for maybe a watchman or
36 something. But I don't know because I don't know their plans.
37 But it is a definite -- I don't know who the residents of
38 Hobart Bay are, if they are all Juneaulites and they are now
39 living in Hobart Bay or what the deal is. But it certainly now
40 is a temporary community on private lands.

41

42 MS. MASON: Yeah.

43

44 CHAIRMAN GARZA: Okay, let me ask you a question, could
45 you turn to Page 54. It has a list of the communities and
46 which ones have harvested deer.

47

48 MS. MASON: Um-hum.

49

50 CHAIRMAN GARZA: Which of those communities currently

00235

1 have a c&t determination in general?

2

3 MS. MASON: The ones in 1(C) do which would be
4 Excursion Inlet, Hobart Bay, Gustavus. The ones in 1(D) Haines
5 and Skagway. And let's see, residents -- that's it of the ones
6 that are listed there that currently have a positive c&t. So
7 all the ones in 1(C) -- and Hoonah as well.

8

9 CHAIRMAN GARZA: Okay, Hoonah is in Unit 4?

10

11 MS. MASON: That's correct.

12

13 CHAIRMAN GARZA: So looking at that Unit 4 list, only
14 Hoonah.....

15

16 MS. MASON: Yes.

17

18 CHAIRMAN GARZA:has a current c&t. So that
19 excludes Angoon, Pelican, Sitka, Tenakee Springs and Yakutat.

20

21 MS. MASON: Madame Chair, the recommendation was to
22 include all the rural residents of Unit 4, so it would include
23 all the ones here. There are a couple of ways you could do
24 that differently and get at what Gabe has been pointing out
25 that you could name the communities that you want to have or
26 else you could specifically exclude communities as Gustavus was
27 in the previous proposal.

28 CHAIRMAN GARZA: Okay. So the proposal would be to
29 include the communities of Unit 4 that are listed on Page 54
30 that includes, Angoon, Cube Cove, Elfin Cove, Hoonah, Pelican,
31 Sitka and Tenakee Springs?

32

33 MS. MASON: I'm sorry, I was distracted.

34

35 CHAIRMAN GARZA: So it's Unit 4 communities that this
36 proposal addresses?

37

38 MS. MASON: The request did not address Unit 4
39 communities, however, upon considering the request which was
40 only to add Kake and Petersburg, then our recommendation was to
41 not only add Kake and Petersburg, but to also add all the rural
42 residents of Unit 4 who are not currently included. So
43 everybody but Hoonah in Unit 4 in the recommendation would be
44 added.

45

46 CHAIRMAN GARZA: As well as Kake and Petersburg?

47

48 MS. MASON: Correct.

49

50 CHAIRMAN GARZA: Okay.

00236

1 MS. MASON: And the justification, Madame Chair, does
2 go through unit by unit offering rationale for why that
3 particular array of communities was recommended.
4

5 CHAIRMAN GARZA: Okay. So we do have the motion on the
6 table brought forward by Lonnie Anderson in Kake and seconded,
7 I think by Bill Thomas here, I have to ask the maker of the
8 motion and the second if it was their intent to include those
9 communities listed on Page 54 for Unit 4 as well as Kake and
10 Petersburg?
11

12 MR. ANDERSON: I have no objection to listing those.
13

14 MR. THOMAS: Me either then.
15

16 CHAIRMAN GARZA: Okay. So as the proposal currently
17 stands and the motion, it would include Cube Cove in Unit 4 as
18 part of the proposal? John.
19

20 MR. VALE: Okay, thank you. I have doubts about
21 whether Elfin Cove would be qualified for c&t in that community
22 as well. And being that Cube Cove and Elfin Cove are not in
23 the original proposal and I don't know that, in fact, they are
24 qualified, I'm not going to support the proposal unless I
25 receive information that indicates to me they are.
26

27 CHAIRMAN GARZA: Okay. So they are included because
28 they have current use patterns of deer but we have not
29 established that long-term use and cultural dependence upon the
30 resource by those communities?
31

32 MS. MASON: We don't have specific information about
33 the long-term use of those communities.
34

35 CHAIRMAN GARZA: So we have one Council person who will
36 vote against this proposal because of those two communities.
37 Is there an amendment to be offered or is the rest of the
38 Council to support the proposal as is? Bill.
39

40 MR. THOMAS: Madame Chairman, I speak in favor of the
41 proposal. And once again refer to 801 in ANILCA, the
42 continuation -- it says the Congress finds that the
43 continuation of the opportunity for subsistence uses by rural
44 residents of Alaska, including both Natives and non-Natives on
45 public lands and by Alaska Natives on Native lands is essential
46 to Native's physical, economic, traditional and cultural
47 existence and to non-Native's physical, economic, traditional
48 and social existence. So by virtue of that provision in ANILCA
49 I will support the proposal.
50

CHAIRMAN GARZA: Mim.

1 MS. McCONNELL: I had a question, I guess, just a point
2 of clarification. On Page 60 under preliminary conclusions, it
3 says, support the proposals with modification to add rural
4 residents of Unit 4 and residents of Kake and Petersburg to the
5 c&t use determination for deer in all of Unit 1(C). The
6 discussion that's been going on here, I don't think I remember
7 hearing that, I guess maybe I'm confused.

8
9 CHAIRMAN GARZA: No, that was what I asked Lonnie and
10 Bill that they had actually moved and they both agreed that is
11 what they.....

12
13 MS. McCONNELL: They did. That was in the motion?

14
15 CHAIRMAN GARZA: Yes.

16
17 MS. McCONNELL: But I'm just wondering why -- oh,
18 nevermind, it's fine. I'm just confused about why it wasn't on
19 the front here.

20
21 CHAIRMAN GARZA: That one page summary is really
22 confusing.

23
24 MS. MASON: Yeah, it conflicts with what the conclusion
25 is. But the Staff conclusion is the one that's on Page 60.

26
27 MS. McCONNELL: Okay, thank you.

28
29 CHAIRMAN GARZA: Patti.

30
31 MS. PHILLIPS: So is the motion to include all rural
32 residents of Unit 4? That means that Whitestone Logging camp
33 and the logging camp across from Tenakee would be included,
34 they're rural residents of Unit 4?

35
36 MS. MASON: Yeah.

37
38 MS. PHILLIPS: So I also will be voting against the
39 motion.

40
41 CHAIRMAN GARZA: Mr. Knauer.

42
43 MR. KNAUER: Yes, we need to point out that the
44 individuals within the communities qualify, that must be their
45 primary place of residents. So if they're in a temporary
46 community or if they're living somewhere temporarily, even
47 though that community is rural, they do not qualify. So if
48 there are residents, for example, of Juneau, that go to a
49 logging camp to work for three months, four months, whatever,
50 that doesn't change their residency, their residency is still

00238

1 Juneau and they do not qualify.

2

3 CHAIRMAN GARZA: Lonnie, this is Dolly, and when we had
4 talked a little earlier we wanted to state with each proposal
5 which communities would receive the c&t determination. So I
6 guess I would ask you and Bill to list specifically if you are
7 including the communities listed on Page 54, it would be Kake,
8 Petersburg, Angoon, Cube Cove, Elfin Cove, Hoonah, Pelican,
9 Sitka, Tenakee Springs?

10

11 MR. ANDERSON: As long as we leave Yakutat out. Those
12 were the ones. We have people live and work in Hobart Bay that
13 we count as Kake residents. So -- but one of the things that
14 is brought to mind is the question of subsistence in this
15 that's in the court now, can we deny people in the logging
16 camps the right to subsist.....

17

18 MR. THOMAS: No we can't.

19

20 MR. ANDERSON:when we are all rural Alaskans?

21

22 CHAIRMAN GARZA: Okay. So the intent of the proposal
23 would be to include communities listed on Page 54 of Unit 4?

24

25 MR. ANDERSON: Yes.

26

27 CHAIRMAN GARZA: Okay.

28

29 MR. ANDERSON: They're rural Alaskans that survive on
30 subsistence.

31

32 CHAIRMAN GARZA: Okay. Thank you, Lonnie. I think
33 Herman.

34

35 MR. KITKA: Yakutat should be included on the account
36 of family ties. My father's family is from Yakutat and when
37 they come down to Sitka area, they ask me can you take me out
38 to the family's place to hunt, and I agree because they're
39 entitled to, they belong to my dad's clan. And I take them to
40 Beet(ph) Bay, and we hunt deer there, they take it up to
41 Yakutat. Why should we deny those family doings? I know if I
42 go to Yakutat and I would ask, there's family children up
43 there, if they could take me hunting for a moose or anything, I
44 don't think they'd refuse me either. What do you think, John?

45

46 MR. VALE: Certainly not, Herman, they wouldn't refuse
47 you.

48

49 CHAIRMAN GARZA: John.

50

00239

1 MR. VALE: In the past this Council's approached these
2 c&t determinations in sort of a wide-sweeping approach, and
3 personally I don't favor that approach. I think that, you
4 know, if we can go unit by unit, if all the communities within
5 those units are qualified, then fine let's go unit by unit.
6 But I feel strongly if you look at Title VIII, you look at the
7 Congressional record it refers to the communities that
8 subsistence opportunities should be determined on a community
9 basis. And when you look at community basis and you look at
10 the eight criteria that were developed, is there, you know, a
11 handing down of knowledge, is there a tradition of utilizing
12 those resources. When you look at the eight criteria, not all
13 these communities qualify. With regards to Unit 1, my feeling
14 is that Yakutat is not qualified for c&t in Unit 1. Certainly
15 there are relatives in Unit 1 of Yakutat people and also in
16 Unit 4. But our traditions in Yakutat, our Native clan
17 territories are specific, they run from Lituya Bay to Katalla,
18 and their traditions are associated with harvesting in those
19 areas and you know, so I -- in my view I can't support an
20 effort that includes communities who I feel are not qualified
21 based on the eight criteria that have been developed. And in
22 regards to this proposal, I don't think Yakutat is qualified
23 for c&t in Unit 1, nor from what I know of Elfin Cove, I don't
24 feel they're qualified. I know absolutely nothing of Cube Cove
25 and I've seen no information as of today that tells me that
26 they're qualified to receive a c&t determination. And so once
27 again, I won't be supporting this proposal until I see
28 information that tells me they are qualified.

29
30 CHAIRMAN GARZA: Okay. One thing I would like to
31 recommend if we have concerns with establishing c&t for
32 communities that we have not adequately reviewed. We could
33 defeat the motion, which supports the Staff recommendation and
34 move to support the Proposal 5 and 6 as submitted by Petersburg
35 and Kake. And then if other communities choose to have a c&t
36 determination for this resource in this area they can submit a
37 proposal and adequate Staff analysis could be done at that
38 time.

39
40 MR. CLARK: Madame Chair.

41
42 CHAIRMAN GARZA: Fred and then Rachel.

43
44 MR. CLARK: If the Council wanted to look at the Staff
45 recommendation as listed on Page 47, that is a listing of
46 communities. So if you like this listing of communities
47 because it does leave out some of the communities that you were
48 concerned about, one option would be to adopt that version of
49 the Staff recommendation rather than the one that's on Page 60.

50

00240

1 CHAIRMAN GARZA: Well, see that's where the conclusion
2 came from because Rachel said that that is actually not what
3 the Staff recommended because they recommended all of Unit 4,
4 residents, which is different from what is listed here and
5 that's where Mim and I were getting confused because we were
6 looking at this one page summary.

7
8 MS. MASON: Madame Chair.

9
10 CHAIRMAN GARZA: Rachel.

11
12 MS. MASON: The conclusion was the one that was on Page
13 60, however, the Council could vote to support the
14 recommendation that's written on Page 47. It wouldn't
15 necessarily be the Staff recommendation but it might be what
16 you want to do. The point I wanted to make was that even if
17 the recommendation to add the rural residents of Unit 4 is not
18 taken up, you might want to consider whether or not you'd want
19 to support adding Kake and Petersburg to all of Unit 1(C) or
20 just to go by the request as written which is only for small
21 portions of Unit 1(C).

22
23 MR. VALE: Madame Chair, I would support the Staff
24 recommendation on Page 47.

25
26 MS. McCONNELL: I have a question.

27
28 CHAIRMAN GARZA: Mim.

29
30 MS. McCONNELL: So if we wanted to do the
31 recommendation that's on Page 60, would we have had to amend
32 the two proposals? Yes.

33
34 CHAIRMAN GARZA: No, 60 is the motion that's on the
35 table.

36
37 MS. MASON: Right.

38
39 MS. McCONNELL: Oh.

40
41 CHAIRMAN GARZA: So 60, the Staff recommendation which
42 was inclusive of all rural residents in Unit 4 as listed on
43 Page 54 is what Lonnie and Bill have said that they motioned
44 and seconded.

45
46 MR. ANDERSON: Madame Chairman, in order to sort of get
47 over this hurdle what would be a supplemental motion, I'd be
48 willing to withdraw my motion to appease the rest of the
49 Council to get this, at least, to move this process along.

50

00241

1 CHAIRMAN GARZA: Bill.

2

3 MR. THOMAS: They didn't want to do that for me for the
4 last two days.

5

6 CHAIRMAN GARZA: Okay, so with the concurrence of the
7 second, the motion has been withdrawn.

8

9 MR. THOMAS: (Nods affirmatively)

10

11 CHAIRMAN GARZA: So we have now before us Proposal 5
12 and 6, the original intent of the motion was to include Kake
13 and Petersburg into this area with a very specific area. The
14 recommendation from Staff was to include them in all of Unit
15 1(C) for deer and to include rural residents of Unit 4. Now,
16 we may choose to consider all of the Staff recommendation, a
17 portion of the Staff recommendation or stick to the original
18 proposal which is Kake, Petersburg and a section of 1(C).

19

20 MS. LeCORNU: Madame Chair.

21

22 CHAIRMAN GARZA: Vicki.

23

24 MS. LeCORNU: I'm confused. So is Gustavus already
25 included or is that subject -- oh, okay, I'm on the wrong.....

26

27 MR. NICKERSON: They moved back to this one.

28

29 MS. LeCORNU: Okay, I see.

30

31 MR. GEORGE: There's nothing on the table right now.

32

33 MS. LeCORNU: I see.

34

35 CHAIRMAN GARZA: Mr. Vale.

36

37 MR. VALE: I would move then to support the proposal
38 with the Staff recommendations on Page 47.

39

40 MR. FELLER: I'll second that.

41

42 MS. MASON: Madame Chair.

43

44 CHAIRMAN GARZA: Rachel.

45

46 MS. MASON: There is an additional problem with the
47 ones on Page 47, it says, Klawock when it should say Klukwan.

48

49 MS. McCONNELL: That's a major one.

50

00242

1 MR. THOMAS: It all looks the same to you?

2

3 MR. VALE: That's with that correction.

4

5 CHAIRMAN GARZA: Okay, so my question there, is there a
6 second to that motion?

7

8 MR. FELLER: I seconded it.

9

10 CHAIRMAN GARZA: My question there is we run into the
11 same thing of, if it includes all rural residents of Unit 1(C)
12 and Unit 1(D), so is anyone added there that may not be in a
13 community that has established c&t or has long-term use? So
14 we're still running into that same.....

15

16 MR. THOMAS: Well, if we're still running into it, I go
17 back to my original second.

18

19 CHAIRMAN GARZA: Gabriel.

20

21 MR. GABRIEL: I move to strike the rural residents of
22 Unit 1(C) and (D), so that it just names Hoonah and Gustavus --
23 or, I guess, it's already.....

24

25 CHAIRMAN GARZA: It already includes.....

26

27 MR. GEORGE: It includes.....

28

29 MS. PHILLIPS: 1(D) is Haines, Skagway.

30

31 MS. MASON: Yeah.

32

33 CHAIRMAN GARZA: So are residents of Unit 1(C) and 1(D)
34 already included?

35

36 MS. MASON: Yes, they are.

37

38 CHAIRMAN GARZA: So the intent of the motion to support
39 the Staff recommendation on Page 47 would include the residents
40 of Kake, Klukwan, Petersburg, Wrangell, Hoonah, Sitka and
41 Tenakee Springs. Is that true Mr. Vale?

42

43 MR. VALE: That's the intent of the motion.

44

45 CHAIRMAN GARZA: Is that the second?

46

47 MR. FELLER: (Nods affirmatively)

48

49 MR. ANDERSON: Madame Chairman, I'll second for
50 discussion.

00243

1 CHAIRMAN GARZA: Okay.

2

3 MR. GABRIEL: It would also include Hobart Bay, which
4 is rural resident -- or residents of if it's going to include
5 rural residents, all inclusive, then you're including any
6 community that's within that area, whether it be temporary or
7 semi-permanent.

8

9 CHAIRMAN GARZA: Okay. By including -- I think they
10 were saying, wouldn't then include rural residents of Unit 1(C)
11 and 1(D) which are already.....

12

13 MS. MASON: They're already in the c&t.

14

15 CHAIRMAN GARZA:existing. So we could say that
16 this means the proposal would then add residents of Kake,
17 Klukwan, Petersburg, Wrangell, Hoonah, Sitka and Tenakee
18 Springs.

19

20 MR. VALE: Yes.

21

22 CHAIRMAN GARZA: Angoon's already included.

23

24 MR. GABRIEL: I don't think that's the issue. The
25 issue is that we went through a heck of a lot of c&t
26 determination and then for, again I guess, other people had
27 problems with wide-sweeping inclusion of c&t for communities
28 that didn't go through that. And that includes Hobart Bay and
29 Cube Cove and other, you know, Whitestone and all the other
30 communities that are semi-permanent. Who can claim permanent
31 residence, they don't have to not claim permanent residence.

32

33 CHAIRMAN GARZA: So what is your solution, Gabriel?

34

35 MR. GABRIEL: Don't know. List the communities, I
36 believe.

37

38 CHAIRMAN GARZA: I just did.

39

40 MR. GABRIEL: And exclude all rural residents of -- or
41 all -- I don't know. Move to table.

42

43 MR. VALE: Madame Chair, if I could respond to Gabe for
44 a moment.

45

46 CHAIRMAN GARZA: Go ahead.

47

48 MR. VALE: You know, I'll go with those units because
49 they already have c&t, and I'm not inclined to remove somebody
50 at this stage in the game when they haven't had an opportunity

00244

1 to consider the proposals and make their concerns known to us.
2 Maybe some communities in those units are not qualified, but I
3 think at this point in time it's not fair to remove them. So
4 when we were talking about Unit 4 we were talking about
5 including communities that I felt were likely not qualified and
6 that was the problem I had. There may be other communities
7 that are already included that aren't qualified, but I don't
8 want to remove them at this time, but I do want to support
9 including these other communities that were a part of the
10 motion.

11
12 CHAIRMAN GARZA: So as the maker of the motion, John,
13 you did not intend to include all rural residents of Unit 1(C)
14 and 1(D), but were specific to adding the residents of Kake,
15 Klukwan, Petersburg, Wrangell, Hoonah, Sitka and Tenakee
16 Springs?

17
18 MR. VALE: Yes.

19
20 CHAIRMAN GARZA: Okay. So the fundamental question is
21 we support this or we say we are only going to address
22 Petersburg and Kake because they're the only ones who requested
23 c&t determination for this region and stay specific to the
24 proposal.

25
26 MR. ANDERSON: Madame Chairman, I think that Petersburg
27 and Kake would fit Gabe's discussion. In a way I agree with
28 what Gabe is saying that we've gone through the c&t proposals
29 before and determined that the need and if -- for instance, if
30 Hobart Bay felt that they needed, then they could approach the
31 Board and apply for c&t confirmation.

32
33 CHAIRMAN GARZA: Thank you, Lonnie. I guess my intent
34 -- I guess my interest would be just to go back to the initial
35 proposal, deal with Kake and Petersburg. If other communities
36 are interested they need to submit a proposal.

37
38 MR. ANDERSON: I think that was John's motion wasn't
39 it?

40
41 CHAIRMAN GARZA: No. John's motion included the
42 communities from Kake, Klukwan, Petersburg, Wrangell, Hoonah,
43 Sitka and Tenakee Springs.

44
45 MR. ANDERSON: Maybe he would amend his motion to just
46 include Kake and Petersburg and we could get on with the.....

47
48 MR. VALE: Madame Chair, I'd withdraw my motion then
49 and with the second concurrence offer another motion to support
50 the proposal as written.

00245

1 MR. FELLER: (Nods affirmatively)

2

3 CHAIRMAN GARZA: Okay. So we now have -- the second
4 did withdraw and John shook his head.

5

6 MR. FELLER: Yeah, I withdraw.

7

8 CHAIRMAN GARZA: Okay. Before someone seconds his
9 motion I guess the one thing we could take into account is to
10 include all of 1(C) or to limit to the area that Kake and
11 Petersburg requested, which is a smaller portion of 1(C).

12

13 MS. LeCORNUE: Madame Chair.

14 CHAIRMAN GARZA: Vicki.

15

16 MS. LeCORNUE: I would support that because it does
17 offer specific communities.

18

19 CHAIRMAN GARZA: Okay. So are you seconding the
20 motion?

21

22 MS. LeCORNUE: Yes.

23

24 CHAIRMAN GARZA: Okay. The motion is now to accept
25 Proposal 5 and 6 as written by Petersburg Ranger District. So
26 the motion as now made would include Kake and Petersburg or
27 just Kake.

28

29 MR. ANDERSON: And Petersburg.

30

31 CHAIRMAN GARZA: Kake and Petersburg would now have a
32 c&t determination for deer in Unit 1(C) completely or in the
33 section that's defined?

34

35 MR. ANDERSON: 1(C) completely.

36

37 CHAIRMAN GARZA: Okay. Discussion.

38

39 MR. NICKERSON: Madame Chair.

40

41 MR. ANDERSON: Question called for.

42

43 CHAIRMAN GARZA: Well, we have a -- Jeff.

44

45 MR. NICKERSON: I was wondering, I was trying to find
46 on the proposal where it said Petersburg.

47

48 CHAIRMAN GARZA: Yeah, I didn't see that on Page 47,
49 Rachel.

50

00246

1 MS. MASON: For what?

2
3 CHAIRMAN GARZA: Petersburg.

4
5 MR. NICKERSON: The original proposal on Page 48, I
6 don't see it in there.

7
8 CHAIRMAN GARZA: It's on Proposal 6, so we'd.....

9
10 MS. MASON: Yeah, it should say Petersburg.

11
12 CHAIRMAN GARZA:find on Proposals 5 and 6.

13 MR. NICKERSON: Okay, thank you, Madame Chair.

14
15 CHAIRMAN GARZA: Question.

16
17 MR. NICKERSON: Question.

18
19 CHAIRMAN GARZA: Question has been called. All in
20 favor signify by saying aye.

21
22 IN UNISON: (Aye)

23
24 CHAIRMAN GARZA: Opposed.

25
26 (No opposing responses)

27
28 CHAIRMAN GARZA: Motion passes. Proposal 7 and 8.

29
30 MR. GABRIEL: Move to adopt. Motion dies for lack of
31 second, move on.

32
33 CHAIRMAN GARZA: I thought I saw some Pepsi's go by I
34 was trying to catch one but I missed it. Okay, before we go to
35 Proposal 7 and 8 we have a member in the public who has been
36 waiting for three days to testify and he's got a flight to
37 catch so, Mr. Wheeler.

38
39 MR. WHEELER: Thank you, Madame Chairman. My name is
40 Mark Wheeler with the Southeast Alaska Conservation Council or
41 SEACC and I'll just take a few minutes. I just wanted to sort
42 of give a brief update on the Tongass Land Management Plan and
43 what's going on with the Forest Service and the appeals
44 process.

45
46 As you probably know there are over 30 appeals of the
47 Tongass Land Management Plan, including one prepared by SEACC.
48 And the Forest Service was supposed to make a decision on the
49 appeal by March 7th but that hasn't happened and we expect them
50 to decide sometime this spring but that's unclear. I'd like to

00247

1 call your attention to the map, also in the back of the room,
2 there's two maps, there's one entitled selected but not
3 conveyed, 1996, and the Alternative 11. And the Alternative 11
4 is the TLMP that we have with the record of decision. And if
5 you take a look at it later you can see that a lot of the
6 places that were selected in 1996 by private corporations and
7 the State overlapped some of the protected areas in the TLMP,
8 the old growth reserves and the semi-remote recreation; these
9 places that were supposed to provide opportunities for
10 subsistence and other uses. So it's unclear as to how the
11 Forest Service is going to deal with this issue in the appeals
12 process.

13
14 There's also a proposed moratorium on road-building in
15 roadless areas throughout the National Forest. And the Forest
16 Service has proposed this interim protection for roadless
17 areas, but the Tongass National Forest was left out of that.
18 And the Forest Service is taking comments on this Proposed Rule
19 up until March 30th and SEACC has been advocating including
20 important Tongass roadless areas in this moratorium while the
21 appeals process is being decided because the Forest Service is
22 going ahead and planning timber sales in important roadless
23 areas, places important for subsistence, such as Kuiu and other
24 uses. So we'd like to see them hold off on planning these
25 timber sales until the appeals are decided including the appeal
26 based on the subsistence claim.

27
28 There are a couple of timber sales that are coming up
29 in the future that will restrict subsistence uses. And one of
30 the ones we're concerned about is the Control Lake timber sale
31 and I guess you're going to consider a resolution about that
32 one. The Forest Service is proposing logging around 94 million
33 board feet and building 78 miles of roads in central Prince of
34 Wales Island, places important to the communities of Craig and
35 Klawock and Hydaburg for subsistence uses. And the Forest
36 Service has already determined that due to past logging in the
37 area there will already be a significant possibility of a
38 significant restriction of subsistence uses, but they're still
39 planning on going on with this large scale timber sale. And
40 SEACC as well as citizens on Prince of Wales have been
41 advocating for the Citizen's Alternative, which would stay out
42 of the 11 mile area near Klawock and have the least impact on
43 subsistence resources in the area.

44
45 And I'm -- I have time to answer questions if you have
46 any on these various matters.

47
48 CHAIRMAN GARZA: Mr. Thomas.

49
50 MR. THOMAS: Mark, in those designated areas up there

00248

1 where they do infringe on habitat areas, are they in any sort
2 of violation by doing so violating a previous assurances or
3 previous public announcements or anything like that?

4
5 MR. WHEELER: Well, I think the concern that we have is
6 that the Forest Service knew about these pending selections,
7 because you can see the date on the map is 1996, they knew
8 about these selections before the TLMP was finalized, but they
9 didn't disclose that to the public. So the public -- they led
10 the public to believe that those areas would be protected for
11 subsistence and other uses, but in reality those were already
12 selected by SeaAlaska and other entities. And I might also
13 point out that I saw a memo -- I don't have a copy with me
14 today, but SeaAlaska has about 40,000 more acres left to select
15 above and beyond which is shown on that map. So that was not
16 disclosed either at the time of TLMP.

17
18 Thanks for letting me address you.

19
20 MR. THOMAS: Nobody here knows anything about the
21 Tongass so you're all set.

22
23 MR. WHEELER: Okay.

24
25 MR. GEORGE: Mark, the problem with the map that shows
26 all the red in there, is that, indeed, it is SeaAlaska and
27 other -- and State, city, borough, Juneau and Native allotments
28 and doesn't include all -- it includes some that have been
29 conveyed, you know, so I don't know what to think of the map
30 other than to say that I've seen that before and I don't know
31 what else to say or do about it. Because you don't know who
32 you're going to be addressing in any particular area.

33
34 MR. WHEELER: Right.

35
36 MR. GEORGE: To say something on northwest Douglas is
37 very important and it is important to some people, that, you
38 know, it's going to go to the city and borough of Juneau and
39 also to Goldbelt and doesn't differentiate.

40
41 MR. WHEELER: I asked the State for a list of their
42 land selections and tried to compare them with the map and
43 generally you can see that the small selections are State land
44 selections but the ones that are along the township lines near
45 the villages are not, so it was my best guess that those were
46 going to SeaAlaska around Hoonah and Craig and Hydaburg. But I
47 think SeaAlaska or the Forest Service would need to be
48 contacted to sort of solidify that.

49
50 CHAIRMAN GARZA: So are you recommending any action by

00249

1 this Council?

2

3 MR. WHEELER: I don't really know what to do.

4

5 CHAIRMAN GARZA: Okay. I think we'll discuss it when
6 we bring up Control Lake as an action item.

7

8 MR. WHEELER: And you might relate to the appeal based
9 on subsistence by the five tribes, because it does question --
10 the Forest Service says we're going to protect subsistence with
11 these old growth -- and these other protected areas, but you
12 know, if they're not protected then what does that mean?

13

14 CHAIRMAN GARZA: Bill.

15

16 MR. THOMAS: What might be helpful, Mark, I don't know
17 if it's possible or not, but how many appeals did you say were
18 in pending?

19

20 MR. WHEELER: I think it was over 30.

21

22 MR. THOMAS: Okay. When those appeals get responded
23 to, would there be some way of furnishing this Council with
24 those responses. Once we get those responses then we could
25 request a direct meeting with the Forest Service.

26

27 MR. WHEELER: I think you're well within your powers to
28 ask for those responses.

29

30 MR. THOMAS: Okay.

31

32 CHAIRMAN GARZA: Thank you.

33

34 MR. WHEELER: Thank you for your time.

35

36 CHAIRMAN GARZA: Mim. You can go.

37

38 MS. McCONNELL: Thanks Mark. Just one thing that Mark
39 brought up though about the roadless areas issue. I think that
40 it would be a really good idea if the Council wrote a letter
41 concerning that before the deadline and send that in as
42 testimony. And I'd be willing to work with Fred or with
43 somebody to draft something up and we could get back to the
44 Council via the mail or E-mail or whatever.

45

46 CHAIRMAN GARZA: Okay. So will you add it to your
47 action items under Control Lake and we'll bring them up
48 together.

49

50 MS. McCONNELL: Sure, it sounds good. Thanks.

00250

1 CHAIRMAN GARZA: Okay. Are you speaking to Proposal 7
2 and 8?

3
4 MR. THOMAS: I have a question for Bill Knauer, the man
5 of the hour.

6
7 CHAIRMAN GARZA: I think he's gone.

8 MR. THOMAS: Did he leave.

9
10 MR. CLARK: He's on the phone right now.

11
12 MR. THOMAS: What, telling the plane to hold? The
13 question I had and maybe Rachel can answer it. Since ANILCA
14 has a priority preference for the use of subsistence resources
15 in the rural areas, and my interpretation of rural is any
16 community less than 7,000 people. What would be the impact if
17 there wasn't any customary and traditional determinations?

18
19 MS. MASON: You mean if it was all no determination?

20
21 MR. THOMAS: Yeah. Can one survive without the other?

22
23 MS. MASON: I don't know how to respond to that. Can
24 one.....

25
26 MR. THOMAS: Hobart Bay for instance, is an eligible
27 community to use these resources right now.

28
29 MS. MASON: Um-hum.

30
31 MR. THOMAS: But still we're having a problem with the
32 customary and traditional determinations. So if they didn't
33 have the c&t, how would that impact them in their ability to
34 benefit from ANILCA?

35
36 MS. MASON: Well, I guess depending on whether the
37 residents of the community consider themselves rural residents.
38 I thought that was a good point that Bill brought up that if
39 it's not their permanent residence then they don't qualify.
40 And here I am saved by the bell, maybe Bill could respond now.
41 Maybe you could restate it.

42
43 MR. THOMAS: Yes. We're talking about c&t, when we're
44 talking about eligibility and the subsistence user. What would
45 happen to an eligible user if they didn't have a c&t
46 determination?

47
48 MR. KNAUER: If there is no c&t determination, then the
49 residents in an area, for example, where there was no c&t would
50 be able to harvest under the State regulations. They wouldn't

00251

1 be prevented from harvesting unless there were specific Board
2 regulation. But they would not be able to harvest for that
3 species under the Federal regulation.

4
5 MR. THOMAS: What's the chances of that being
6 monitored?

7 MR. KNAUER: Throughout the state there is a shortage
8 of enforcement folks.

9
10 MR. THOMAS: Okay.

11
12 MR. KNAUER: Also in many, many cases the subsistence
13 regulations and the State regulations are very similar, so
14 there usually is not a problem in that case.

15
16 CHAIRMAN GARZA: Okay, we need to move on to Proposal 7
17 and 8 or we're never going to get through our agenda today.

18
19 MR. THOMAS: Tomorrow.

20
21 CHAIRMAN GARZA: I don't care if we come back tomorrow.
22 If the Council wishes to act as it did on Proposal 5 and 6,
23 then the person who makes the motion would be to accept the
24 proposal as written to include Kake in Proposal 7, Petersburg
25 in Proposal 8 for the entirety of Unit 1(C) for goat. This is
26 different than the Staff recommendation which would include a
27 broader range of communities. I'm assuming that in the Staff
28 recommendation that it has been demonstrated that Kake and
29 Petersburg have a historic use pattern.

30
31 MS. MASON: That was part of the recommendation was to
32 add Kake and Petersburg.

33
34 CHAIRMAN GARZA: Okay.

35
36 MR. GABRIEL: Move to adopt.

37
38 CHAIRMAN GARZA: What?

39
40 MR. GEORGE: As you recommended to include Kake and
41 Petersburg in c&t of goat in Unit 1(C).

42
43 CHAIRMAN GARZA: Okay. So the motion would be to adopt
44 Proposal 7 and 8, which would in effect recommend that c&t for
45 goat in Unit 1(C) be given to communities of Kake and
46 Petersburg, which in this document have a demonstrated use. Is
47 there a second to that motion?

48
49 MR. ANDERSON: Madame Chairman, I'll second that.

50

00252

1 CHAIRMAN GARZA: Okay. It's been made by Gabriel,
2 seconded by Lonnie.

3
4 MR. GABRIEL: Question.

5
6 MR. VALE: Madame Chair, just a clarification, this is
7 for all of 1(C) and not the specific areas listed?

8
9 CHAIRMAN GARZA: Yes. Question has been called. All
10 in favor signify by saying aye.

11
12 IN UNISON: (Aye)

13
14 CHAIRMAN GARZA: Opposed.

15
16 (No opposing responses)

17
18 CHAIRMAN GARZA: Motion passes. We all have to say
19 good-bye to Vicki, she has to go catch her plane.

20
21 MS. LeCORNU: Bye.

22
23 MR. THOMAS: Where are you guys going?

24
25 CHAIRMAN GARZA: Run off to connive. Okay. So then we
26 can move on to c&t determinations for 5 and 6(A) for goat and
27 wolf, Proposals 17 and 18.

28
29 MS. MASON: Thank you, Madame Chair. Proposal 17 is
30 one that requests a positive c&t determination for goat in Unit
31 5 and 6(A). This is a familiar one. It consolidates some
32 backlog and deferred proposals. And this was a request that
33 was considered in 1997 and it was deferred by the Board in
34 order to allow the Southcentral Regional Council to give input
35 to it.

36
37 This analysis -- I won't belabor the analysis which you
38 already heard last year but I will go into some of the
39 background information as well as the history of the proposal
40 because I think that's what contains the new information. The
41 current c&t for goat is it's a no determination in Unit 5 and
42 no determination in Unit 6(A). The proposal originated in this
43 region but the reason for deferral was that Unit 6(A) is in the
44 Southcentral region. And at its February 1997 meeting, the
45 Southeast Council supported what was then called Proposal 14
46 with the modification that residents of Unit 5(A) should be
47 subsisted for residents of Unit 5 on the basis that Yakutat is
48 the only permanent community in Unit 5 and residents of 5(A)
49 were the ones the focus of this. And at that meeting, this
50 Council expressed the view that while it's likely residents of

00253

1 Unit 6 had customarily and traditionally used Units 6(A) for
2 goat, it's the responsibility of the Southeast Council to make
3 recommendations for your region. And in that same round of
4 meetings the Southcentral Council voted to recommend deferral
5 on grounds that they didn't think the uses of Unit 6(A) by
6 residents of Unit 6 had been adequately considered. And the
7 Southcentral Regional Council who lives in Cordova, at that
8 time, suggested that the uses of goat by Unit 6 residents in
9 Unit 6(A) should be documented in later action.

10
11 There was a subcommittee meeting that included John
12 Vale representing this Council and Ralph Lohse representing the
13 Southcentral Council as well as Federal Staff and members of
14 the public and we met in Cordova in May 1997 to discuss this
15 proposal as well as proposals for moose and wolf that had also
16 been deferred because they effected both the regions. And at
17 that meeting the idea was discussed that there is actually
18 minimal overlap in Unit 6(A) between the uses by Yakutat
19 residents and uses by Cordova residents. And it was proposed
20 that a line be drawn dividing Unit 6(A) east from Unit 6(A)
21 west, that would be straight north of Cape Suckling. At the
22 Yakutat meeting of the Southeast Council, we heard from a
23 number of Yakutat residents strongly opposing the division of
24 Unit 6(A) into two halves. And Elaine Abraham and some other
25 Yakutat residents stated that their ancestors came from
26 throughout the Copper River Delta and Pacific -- Gulf Coast
27 regions. Some people now living in Yakutat testified that they
28 or their parents were from Katalla which is on the western side
29 of Unit 6(A). So the Southeast Council reaffirmed support of
30 the original proposal as written as well as the other deferred
31 proposals. The Southcentral Regional Council, in its October
32 '97 meeting, recommended providing a positive c&t determination
33 for goat in Unit 6(A) for the residents of Unit 5(A), 6(C) and
34 the residents of Chenega Bay and Tatitlek. And the Council
35 justification for that was that the Staff analysis, ADF&G
36 records and the testimony of local residents indicated a use by
37 all those communities.

38
39 As I said I'm not going to go through all the eight
40 factors because you're familiar with it. I did want to hit
41 some of the high points just to familiarize everybody with the
42 data that are there. We do have harvest data for 1986 to 1994
43 for goats in Unit 5(A) and about 45 percent of the 69 goats
44 taken in 5(A) during that time were by non-residents of Alaska
45 and 35 percent were by Yakutat residents. And in Unit 5(B),
46 the non-residents took five of the seven goats taken during
47 that time and Yakutat residents took two. So obviously there's
48 a very strong record by Yakutat residents in Unit 5. Within
49 Unit 6(A) residents of a wide variety of communities hunted and
50 harvested goats there. 106 of the total 144 taken are about

00254

1 three-fourths of all the goats taken were by non-residents.
2 The Unit 6 communities that were represented in the harvests in
3 Unit 6(A) were Cape Yakataga and Cordova taking one goat each.
4 And Yakutat residents took one goat also during that time. So
5 it's about a similar record of harvest.

6
7 Also I wanted to point to some of the use areas by
8 Yakutat residents. In addition to a number of sites in Unit
9 5(A), some of the sites that Yakutat residents have described
10 as their traditional harvesting grounds are in Icy Bay, which
11 is located in both Units 5(B) and -- well, it's between 5(B)
12 and 6(A), however, after the State reduced the harvest limits
13 in 1975 they only were able to harvest a single goat and many
14 Yakutat residents thought that the cost was prohibitive to
15 travel as far as Icy Bay for just one goat. So they attributed
16 due to regulatory changes that their harvest area has changed.

17
18 One of the clans, at least, one clan in Yakutat, the
19 Kaagwaantaan clan traditionally used the Kaliakh River that's
20 in Unit 6(A) for goats among other resources. A member of that
21 clan, Ted Valley, confirmed that in the past his clan had
22 harvested goats and other resources near the Kaliakh River and
23 usually they would go to the mountains at the head of that
24 river for goats. As for the uses of Unit 6(A) by Cordova
25 residents, this was attested to at the subcommittee meeting
26 between the two Regional Councils by some of the Cordova
27 residents who participated in the meeting, including the
28 Council representative. And they indicated that their
29 community has traditionally and historically used Unit 6(A) for
30 goat hunting.

31
32 CHAIRMAN GARZA: I need to stop you there for a second
33 there, Rachel, because I think it's getting late in the day.

34
35 MS. MASON: Sure.

36
37 CHAIRMAN GARZA: So the proposal was submitted by
38 Yakutat, John?

39
40 MR. VALE: Yes. I believe it was the Alaska Native
41 Brotherhood and Sisterhood were the original people.

42
43 CHAIRMAN GARZA: Okay. So then the Staff is
44 recommending that it include, not only the residents of Yakutat
45 but the residents from the Chugach Region.

46
47 MS. MASON: The Staff recommendation was to add the
48 residents of Unit 6(C) as well as residents of 5(A) for Unit
49 6(A).

50

00255

1 CHAIRMAN GARZA: And that is because the residents from
2 that area has not submitted a similar proposal for that use in
3 their region? I mean why are we including communities from a
4 region that we don't represent?

5
6 MS. MASON: The Southcentral Council specifically asked
7 that their uses by residents of Unit 6 be considered in this
8 proposal.

9
10 CHAIRMAN GARZA: So they don't have a similar proposal
11 in their packet?

12
13 MS. MASON: No.

14
15 MR. KNAUER: Yes, they have this same one.

16
17 MS. MASON: They have this same one which they are
18 considering.

19
20 CHAIRMAN GARZA: Okay. Because I don't think there's
21 anyone here that questions whether or not Yakutat uses that
22 area.

23
24 MS. MASON: Right.

25
26 CHAIRMAN GARZA: So I don't think we need a long
27 discussion on that. In regards to whether or not we take
28 action on residents of Unit 6. If we take no action then the
29 residents from that area can simply choose to take action on it
30 in their proposal packet. Okay, Mr. Thomas.

31
32 MR. THOMAS: A similar situation happened last year.

33
34 CHAIRMAN GARZA: Yes.

35
36 MR. THOMAS: And thereby caused their Chairman to meet
37 with me and work it out and come up with a recommendation so we
38 did. So it's very mutual.

39
40 CHAIRMAN GARZA: John.

41
42 MR. VALE: If we're ready, Madame Chair, I have a
43 motion.

44
45 CHAIRMAN GARZA: Go ahead.

46
47 MR. VALE: I would move that the Council support the
48 proposal for residents of Unit 5(A).

49
50 MR. FELLER: I'll second, Madame Chairman.

00256

1 MR. VALE: And under discussion, I'd like to leave
2 residents of Unit 6(D), Cordova, I'd like to leave that up to
3 the Southcentral Council to deal with them.

4
5 CHAIRMAN GARZA: Gabriel.

6
7 MR. GABRIEL: How does that different from where we
8 objected to all rural residents in various different places,
9 and certainly I know that the State has a logging camp in that
10 area and all, in terms of all inclusive of all residents?

11
12 CHAIRMAN GARZA: So your intent is the Yakutat
13 residents in Unit 5(A).

14
15 MR. VALE: Yes.

16
17 MR. GABRIEL: If it's worded that way, yes.

18
19 CHAIRMAN GARZA: Second.

20
21 MR. FELLER: Yeah, I seconded it Madame Chairman.

22
23 CHAIRMAN GARZA: So the motion is that we would support
24 c&t determination for goat for the Yakutat residents in Unit 5.

25
26 MR. VALE: 5(A).

27
28 CHAIRMAN GARZA: 5(A).

29
30 MS. MASON: No, 5 and 6(A).

31
32 CHAIRMAN GARZA: For the areas of 5 and 6(A).

33
34 MR. VALE: Yes. Residents of Unit 5(A) for c&t for
35 goats in Units 5 and 6(A).

36
37 CHAIRMAN GARZA: Yakutat residents of 5(A).

38
39 MR. VALE: (Nods affirmatively)

40
41 CHAIRMAN GARZA: Okay.

42
43 MR. GABRIEL: Did he say Yakutat residents?

44
45 CHAIRMAN GARZA: He shook his head yes.

46
47 MR. GEORGE: I couldn't read his nod from this end.

48
49 CHAIRMAN GARZA: Okay. So it would be c&t
50 determination for goat for Yakutat residents in 5(A) to take

00257

1 goat in areas in 5 and 6(A). Discussion.

2

3 MR. VALE: Just a brief comment. In looking at the
4 public comments and I'd like to point out that the Wrangell-St.
5 Elias Subsistence Resource Commission also supports the
6 proposals.

7

8 CHAIRMAN GARZA: Discussion.

9

10 MR. GABRIEL: Question.

11

12 CHAIRMAN GARZA: Question has been called. All in
13 favor signify by saying aye.

14

15 IN UNISON: Aye.

16

17 CHAIRMAN GARZA: Opposed.

18

19 (No opposing responses)

20

21 CHAIRMAN GARZA: Okay. Is the proposal analysis
22 similar for Proposal 18 establishing wolf?

23

24 MS. MASON: Well, it's not altogether identical, but
25 it's similar, in that, the background is the same, the history
26 of the proposal is the same. And the conclusion was to support
27 the positive c&t for wolf in Unit 5 with the modification that
28 residents of 5(A) rather than Unit 5 should have a positive
29 determination for wolf in Unit 5 and 6(A). And a further
30 modification which it unfortunately didn't come into your
31 preliminary conclusion here would change the c&t determination
32 in 6(A) to also include residents of 6(C). They were included
33 in here as well.

34

35 I would also like to suggest that this is an
36 opportunity to cleanup the very, very broad c&t in Unit 6.
37 Instead of having it for all the residents of whatever it is,
38 there's -- almost every unit except for 5, Units 6, 9, 10,
39 Unimak Island, 11, 13 and the residents of Chickaloon and 16
40 through 26, that instead of having this wide array that we
41 could boil it down to the communities that actually use it.
42 Then the recommendation would be that there would be a positive
43 determination for residents of Units 5(A) and 6(C) in Unit
44 6(A).

45

46 CHAIRMAN GARZA: I think that if the Council takes
47 similar action then we will act only to Yakutat and allow
48 Southcentral region to cleanup however they feel they need to
49 cleanup.

50

00258

1 MS. MASON: Okay.

2
3 CHAIRMAN GARZA: So Mr. Vale has moved.

4
5 MR. GABRIEL: Second.

6
7 MR. CLARK: Just for the record there are some written
8 comments for both of these proposals.

9
10 CHAIRMAN GARZA: Okay. We'll do it after -- now that
11 it's on the table. So the motion as provided by the Council
12 will be to establish a c&t determination for wolf for Yakutat
13 residents in 5(A) for the take of wolf in area 5 and 6(A).

14
15 MR. VALE: It's just 6(A), it's not.....

16
17 MS. MASON: Yeah, 5 and 6(A).

18
19 MR. VALE: Okay.

20
21 CHAIRMAN GARZA: Okay, there is public comment. Fred,
22 do you want to read that in, it's on 152.

23
24 MR. CLARK: Sure. The Copper River Prince William
25 Sound Fish and Game Advisory Committee in Cordova is opposed to
26 the proposal saying that there is no substantial proof that
27 there has ever been a traditional subsistence pattern for Unit
28 5 residents in Subunit 6(A). Also the proposal was written to
29 include all residents of Unit 5.

30
31 CHAIRMAN GARZA: So the motion as we've passed is to
32 the Yakutat residents only in area 5(A) so that addresses their
33 -- that issue. The data here indicates that there is
34 traditional use of wolf contrary to their statement; is that
35 true?

36
37 MS. MASON: Right.

38
39 CHAIRMAN GARZA: Okay.

40
41 MR. VALE: Call for the question.

42
43 CHAIRMAN GARZA: Question has been called. All in
44 favor signify by saying aye.

45
46 IN UNISON: Aye.

47
48 CHAIRMAN GARZA: Opposed.

49
50 (No opposing responses)

00259

1 CHAIRMAN GARZA: Motion passes.

2

3 MR. KITKA: I abstained from voting because Sitka used
4 to go up there to trap the wolf and the wolf were -- they used
5 to go into those areas.

6

7 CHAIRMAN GARZA: Did you get that Salena?

8

9 REPORTER: Yes.

10

11 MR. KITKA: So it was customary for Sitka trappers to
12 go up there.

13

14 CHAIRMAN GARZA: Okay. Well, that's something that we
15 might want to consider submitting next year.

16

17 MR. KITKA: That was the only area they used to get the
18 wolf freely. They used to run on the sandy beaches and it was
19 easier to get those then.

20

21 CHAIRMAN GARZA: Okay. Well, we can work with Sitka
22 Tribe to do that for Sitka, a c&t determination.

23

24 MR. KITKA: I'm going to bring it up with the Tribe in
25 Sitka and discuss it.

26

27 CHAIRMAN GARZA: Okay. Thank you, Herman. We have an
28 RFR, which is a request for reconsideration, it's R97-03. This
29 is for moose.

30

31 MS. MASON: Madame Chair.

32

33 CHAIRMAN GARZA: Rachel.

34

35 MS. MASON: This was submitted by the ADF&G and it
36 requests reconsideration of the c&t determination for moose in
37 Unit 1(B) that was made last year by the Federal Subsistence
38 Board. So this is another one that you're all familiar with
39 the original proposal analysis, I won't burden you with that.

40

41 I'll just say that prior to the changes adopted by the
42 Board in '97, there was no c&t determination in Unit 1(B). All
43 rural residents were eligible to hunt in the unit except there
44 was no subsistence in the portion of Unit 1(B) north of the
45 LeConte Glacier. And the Regional Council found that there was
46 a pattern of use of moose in all of Unit 1(B) by the residents
47 of Units 1, 2, 3 and 4. And the Council took a very broad
48 approach to this in their justification for including all the
49 rural residents of those units and the positive c&t was to
50 recognize that there is widespread harvesting use, trade and

00260

1 gifting of moose throughout those units, from Unit 1(B). Unit
2 5 was not included with the justification that they have their
3 own moose there that are more accessible.

4
5 The issues raised in the ADF&G's RFR mainly have to do
6 with a lack of relevant application of the eight factors. And
7 the RFR suggests that residents of Petersburg and Wrangell are
8 the -- since they are the primary users and their uses dominate
9 the uses of the Unit 1(B) population, they thought that only
10 those two communities showed a long-term consistent pattern of
11 use, and the RFR refers to subsistence harvest studies and use
12 area maps from part of the evaluation of the TLMP to show that
13 -- as documentation that there aren't significant uses by other
14 communities than Petersburg and Wrangell.

15
16 I won't resummarize the proposals, but actually just to
17 say that no new information has come forward since the time of
18 the original proposal. To summarize the ADF&G's concerns, as I
19 said, the requester states that the available information
20 supports a positive c&t for Wrangell and Petersburg but not for
21 any of the other communities in Units 1, 2, 3 and 4. And the
22 RFR focuses on the lack of substantiation of the eight factors,
23 and particularly on the absence of a consistent record of
24 harvest. However, the Regional Council and then later the
25 Board took the broader view that the use or harvest by some
26 communities in a unit should result in a positive c&t for all
27 the communities in the unit. And the Staff Committee further
28 justified its recommendation by saying that there was reason to
29 take a broad approach because of the opportunistic nature of
30 moose hunting. And also to say that -- well, it isn't listed
31 here, but they listed some other factors other than that, such
32 as the fact that the moose population moves around.

33
34 So the action that the Southeast Council can have in
35 response to this RFR is either to support or to oppose the
36 request for reconsideration. In addition, in order to uphold
37 the positive c&t it would be helpful to get additional
38 information from the Southeast Council that supported the
39 approach that was taken in last years c&t determination. So it
40 would be particularly helpful to have some information
41 concerning those communities that use moose in Unit 1(B), the
42 patterns of use, the years they were taken, where they were
43 taken and this would offer information to bolster the response
44 to the RFR.

45 Thank you.

46
47 CHAIRMAN GARZA: Thank you, Rachel. So does the
48 Council wish to reconsider 97-03, which determined a c&t for
49 rural residents of Units 1, 2, 3 and 4 for the take of moose in
50 Unit 1(B)? If there is no interest in supporting that

00261

1 reconsideration, then we need to come up with a strategy for
2 documenting historic use of moose by, if not all rural
3 residents of Southeast, by communities and perhaps we could
4 charge to each of us as Council members, is to go back and
5 document the information of moose by your community and to send
6 that information either to Rachel or to Fred. A preference of
7 who?

8
9 MS. MASON: Yeah, it'd probably be me.

10
11 CHAIRMAN GARZA: Okay, to Rachel. Bill.

12
13 MR. THOMAS: Move to reject the proposal.

14
15 CHAIRMAN GARZA: It's been moved to reject the proposal
16 for reconsideration of 97-03. Is there a second?

17
18 MS. RUDOLPH: Second for discussion purposes.

19
20 CHAIRMAN GARZA: It's been moved and seconded.
21 Discussion. Mary.

22
23 MS. RUDOLPH: This is kind of mixed up on where you're
24 coming from. I went through the whole thing with you and then
25 I ended up out in the dark again. Either you were talking too
26 fast or I'm too tired and I'm not listening patiently here.

27
28 MS. MASON: I think I can clarify, Madame Chair.

29
30 MS. RUDOLPH: If you could just summarize it.

31
32 MS. MASON: Okay. The analysis is in response to a
33 request to reconsider a proposal that was considered last year.
34 So what the Council supported last year was a c&t for moose in
35 Unit 1(B) in 1, 2, 3 and 4. And the RFR, which came from ADF&G
36 would like that to be reconsidered. So if the Council votes to
37 reject as Mr. Thomas just made as a motion, that would be to
38 reject the RFR, so to uphold your action of last year. Does
39 that answer your question?

40
41 MS. RUDOLPH: (Nods affirmatively)

42
43 CHAIRMAN GARZA: Are you going to call for the
44 question?

45
46 MR. THOMAS: I'm going to offer some discussion first.

47
48 MR. VALE: Madame Chair.

49
50 CHAIRMAN GARZA: Bill, and then John.

00262

1 MR. THOMAS: It's not that information is not
2 available, it just probably wasn't pursued. And we got a
3 person in this room, people in town, three or four people we
4 could caucus with that would give us all the historic data we
5 need to justify and reflect the pattern of use that satisfies
6 the criteria to establish a c&t. So I have no problems with
7 that. I speak in favor of the motion.

8
9 CHAIRMAN GARZA: Mr. Vale.

10
11 MR. VALE: Thank you. I think the Department's request
12 has some merit. And it goes back to the same points I was
13 making earlier about all inclusive proposals. You know,
14 basically we've included every resident of Southeast Alaska
15 except for Unit 5, and I think there's quite a few communities
16 in there that aren't qualified and shouldn't have a c&t
17 determination. We spoke of logging camps earlier and clearly
18 some of the other communities, I don't think, have the history
19 of hunting moose in there.

20
21 So I think that in this case, the State does have some
22 merits with their request. What I don't know is what
23 communities besides Wrangell and Petersburg truly do have a
24 history of use and tradition of utilizing those animals. I
25 suspect communities like Kake and other nearby communities
26 likely do. But I don't think all the communities of Southeast
27 do, and that's my view on it. Thank you.

28
29 CHAIRMAN GARZA: Thank you, John. Bill.

30
31 MR. THOMAS: When we listed Alaska Native Brotherhood
32 and Sisterhood in their justification it will be a little
33 easier to support.

34
35 CHAIRMAN GARZA: Call for a five minute recess to get
36 some air in your bodies.

37
38 (Off record)

39
40 (On record)

41
42 CHAIRMAN GARZA: RFR 97-03. Was there anyone from the
43 State who intended to speak to this request for
44 reconsideration?

45
46 MR. THOMAS: They're going out the door.

47
48 MR. CLARK: Just in some conversations with people and
49 I don't intend to speak for the State, just that I think Rachel
50 brought out the points of view from the State already and

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1 whatever comments they had are already in there.

2

3 CHAIRMAN GARZA: Okay. So the motion on the table is
4 to reject the request to reconsider 97-03. Further discussion.

5

6 MR. THOMAS: Question.

7

8 CHAIRMAN GARZA: Question on the motion. All in favor
9 signify by saying aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN GARZA: Opposed.

14

15 (No opposing responses)

16

17 CHAIRMAN GARZA: We will not consider this request for
18 reconsideration. It will, however, still go to the Federal
19 Subsistence Board and we may, as I said earlier, want to look
20 at what our c&t determination is for our community for moose in
21 this area. We are now done with the proposals which means that
22 we have made it through Item 7 out of 13 items.

23

24 MR. THOMAS: Already?

25

26 CHAIRMAN GARZA: Already. Our audience is dropping
27 like flies. We have several groups that have requested to
28 testify. The comments by the public is near the end but I
29 would offer them the opportunity to testify earlier. Mr. Hope.
30 Or Erik Hummel, is he back?

31

32 MR. CLARK: He's not back yet.

33

34 CHAIRMAN GARZA: You can only come up here if George
35 Gardner is here because he's on the sheet. So Lonnie are you
36 able to hear us?

37

38 MR. ANDERSON: I hear you loud and clear. At 3:00
39 o'clock I'm going to have to duck out for awhile.

40

41 CHAIRMAN GARZA: Okay. Just let us know before you go
42 and if there's anything that you need to discuss before then,
43 okay.

44

45 MR. ANDERSON: Very good.

46

47 CHAIRMAN GARZA: Okay. Go ahead, Gerry.

48

49 MR. HOPE: Madame Chair. I'd like to thank you for the
50 opportunity to present this resolution. My English name is

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1 Gerry Hope and my Tlingit name is (Native), and my moitee is
2 Eagle/Wolf and my clan is Killer Whale. I come from the
3 (Native) out of Wrangell and my house is the Red Clay House.
4 On my father's side I am (Native) and his moitee is Raven. His
5 clan is Frog and he comes from the Point House in Sitka.

6
7 I am a Council member and secretary of the Tribal
8 Council of the Ketchikan Indian Corporation, that is, a
9 Federally recognized tribe under the Indian Reorganization Act
10 of 1934 amended to include Alaska 1936. We have 3,900 members.
11 And we also are certified by our enrollment from both the
12 Bureau of Indian Affairs and the Indian Health Service, one of
13 the few tribes in Alaska that has that particular designations.
14 We're trying to see just exactly what that means but some
15 people say that it means a good thing.

16
17 We have submitted consideration for your review. And
18 I'd like to also introduce Ken Stanfield on my far right, who
19 is a Council member of KIC, and Thurston Ketah, closest to me
20 who is the vice president of the Alaska Native Brotherhood,
21 Ketchikan Camp 14. I had a question before presenting this
22 resolution regarding process. Our resolution is a
23 consideration for Ketchikan to be redesignated as a rural
24 subsistence use area. My question on process is this is a
25 resolution format and you have a proposal format. And I'm
26 wondering if we need first to present what our position is to
27 you and then come back later with some supporting documents at
28 a later meeting or what the process would be?

29
30 CHAIRMAN GARZA: Mr. Hope, I certainly may be corrected
31 if I'm wrong, but you did miss the proposal deadline. And so
32 one avenue would be to submit this as a proposal in the next
33 cycle and that would be to establish Ketchikan as a c&t area.
34 We certainly can support this as brought before us but that
35 would not ascertain that the Federal Subsistence Board would
36 bring it up because they need to look at the proposals, not
37 necessarily not all the issues that we bring before them. We
38 could also add it to our annual report that the urban
39 communities of Juneau and Ketchikan receive c&t because when we
40 met in Juneau we received the same request from Harold Martin
41 and from T and H.

42
43 MR. HOPE: When would be the next proposal cycle,
44 Madame Chair?

45
46 CHAIRMAN GARZA: Fred.

47
48 MR. CLARK: That starts again in the spring time, I
49 believe, doesn't it, Rachel, the proposal cycle for proposals
50 to change Federal Subsistence regulations?

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1 CHAIRMAN GARZA: It's in the fall.

2
3 MR. SUMMERS: August.

4
5 CHAIRMAN GARZA: So it would be sometime this fall
6 there would be a request for proposals that would go out.

7
8 MR. CLARK: Yes, there will be a request for proposals.

9
10 CHAIRMAN GARZA: I guess the strategy I would use,
11 Gerry, is that if you had it done early enough then the Council
12 could look at it at their fall meeting. We haven't decided
13 where we'll meet, we have two invitations and it could go
14 forward with the Regional Council's support to begin with. If
15 not, if you miss that meeting then we'll receive it in the
16 packet at our next spring meeting.

17
18 MR. HOPE: Okay. Then the fall meeting is going to be
19 set later on today?

20
21 CHAIRMAN GARZA: Yes.

22
23 MR. HOPE: And the location?

24
25 CHAIRMAN GARZA: We have to.....

26
27 MR. HOPE: Would be set later on?

28
29 CHAIRMAN GARZA: Yes.

30
31 MR. HOPE: Okay. And let's see, just a further
32 clarification on process. So to kick this off we would need to
33 attend that meeting but beforehand we would need to make sure
34 to submit the proposal to Fred and his office or to whom?

35
36 CHAIRMAN GARZA: To the address listed in the proposal
37 that goes out and I think that's to Anchorage?

38 MR. SUMMERS: Yes.

39
40 MR. HOPE: Okay.

41
42 MR. SUMMERS: The cycle and who it's addressed is on
43 Page 8.

44
45 MR. HOPE: Okay.

46
47 MR. THOMAS: National Park Service.

48
49 CHAIRMAN GARZA: Clarence will help you.

50

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1 MR. HOPE: I'm wondering if I'm getting a bum steer
2 from the person on your left, Madame Chair.

3
4 CHAIRMAN GARZA: Clarence will redirect you.

5
6 MR. CLARK: Madame Chair.

7
8 CHAIRMAN GARZA: So in terms of process. I mean you
9 need only to submit it by the deadline and I was suggesting the
10 fall meeting only as a means of letting us know in advance your
11 intent so that we could show our support in advance of the
12 process. Fred.

13
14 MR. CLARK: I have a chart here that shows the comment
15 and proposal period starting in August, at least for this past
16 year, so I'm assuming that it's going to be similar this year.

17
18 MR. VALE: Is that Subpart D, Fred?

19
20 MR. CLARK: That would be Subpart C and D.

21
22 MR. VALE: C and D. And Clarence do you know if the
23 rural and non-rural is in what subpart?

24
25 MR. CLARK: That's Subpart B, I think.

26
27 MR. VALE: D.

28
29 MR. CLARK: B.

30
31 MR. VALE: B, okay.

32
33 MR. CLARK: Not D.

34
35 MR. VALE: Because they should be clear on that if they
36 want to know.....

37 MR. CLARK: Right. Looking at things like urban and
38 rural designations are outside of our standard process. And
39 that is something that they've been talking about, the Federal
40 Subsistence Board Staff has been talking about for quite some
41 time about the need to update that. I think Rachel has
42 something additional.

43
44 MS. MASON: Madame Chair, the year 2000 is when the
45 rural/non-rural determinations are scheduled to be reevaluated.
46 The year 2000, because the last time they were done was 1990
47 and I guess they do them on a 10 year cycle. And I'm sorry to
48 report that I do know of one of the Councils, the Southcentral
49 Council submitted a proposal for changing the rural
50 determinations of part of their territory and it was deferred

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1 until the year 2000 for the consideration with everything else.
2 So there has not been a record of success of Councils or other
3 parties submitting request to change the rural/non-rural
4 determination.

5
6 CHAIRMAN GARZA: Gerry.

7
8 MR. HOPE: We're due then. Madame Chair, I guess we
9 are wanting to go ahead and include Mr. Tom Abel's comments as
10 our preview. I guess the resolution speaks for itself. ANB
11 Camp 14 had submitted a similar resolution and if we could,
12 just for your edification, present a copy of that and also
13 there was some comments Mr. Ketah and Mr. Stanfield wanted to
14 make if we could indulge just a few more minutes.

15
16 CHAIRMAN GARZA: Mr. Ketah.

17
18 MR. HOPE: That's you Thurston.

19
20 MR. STANFIELD: Your dad's not here.

21
22 MR. KETAH: Ketchikan Camp 14, you know, is mostly made
23 up of people from Craig, Klawock and Hydaburg, you know. And I
24 moved away from Klawock in 1955 and we're used to this
25 subsistence, you know. And we're just cut off of it, you know.
26 I remember six years ago my mom was building a -- we had a
27 smokehouse built by our house, she called up the fire
28 department and says if anybody calls that a fire's going on, I
29 have my smokehouse is going, but she said, go on ahead and
30 light it, she lit it, I'll be a son of a gun, the State
31 troopers, city police, fire department, everybody came up
32 there. And they told her she could not have her smokehouse
33 burning here in Ketchikan in the city limits, you know. She
34 said, if you guys will wait for me I'll get my purse and my
35 coat, you guys can give me a ride. They said where to, she
36 said, down to Silver Lining at Phillips, you tell them to take
37 their smokehouse down, I'll take mine down. You know, they
38 haven't bothered her since.

39
40 But we are -- we grew up and we need this -- the people
41 in this town need it, you know. The reason I decided to sit
42 here for four hours and wait is because some guys from Saxman
43 wanted to go out and dig clams, the Fish and Game watched them
44 from up here on the road down here, they loaded their things on
45 and they went out to Bostwick, they waited until they got out
46 on the beach, a big old cabin cruiser pulled up alongside the
47 beach and they said if they stick their clam fork in the ground
48 they'd all be arrested, you know, because they didn't have
49 permits or licenses, you know. How far is this state going to
50 push us, you know? When they can't, you know -- everything is

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1 for the sportsman, you know. We used to get sea cucumber, now
2 the private companies are getting it all. Urchins and
3 everything else, we're being shoved out of it. You know, the
4 year 2000, you know, my mother's 81 years old now, and she's
5 going to wait for, you know, but I guess we're just like you
6 guys, we just have to wait for somebody to tell us what to do,
7 you know. We're getting pretty used to it anyway. You know,
8 if I want any seafood, I go down and buy it.

9
10 CHAIRMAN GARZA: Mr. Stanfield.

11
12 MR. STANFIELD: Thank you, Madame Chair and Council.
13 I, of course, obviously didn't grow up in this area but have
14 come here and have lived many years and to be a part of the
15 Ketchikan Indian Corporation, my tribe Shoshoni, it was
16 shortened to Shawnee by the people who came to this country.
17 And I come here from Oklahoma and I come here and have enjoyed
18 living here and have enjoyed the ability to participate, when
19 allowed, in gathering and as our people were hunters and
20 gathers and that was taken away from us when we marched the
21 trail and then taken further away from us when we were put on
22 the reservations. A little bit of that is given back as we can
23 take now, if we can find anything, from the grounds and the
24 places that are left.

25
26 And I see here an opportunity for us to, in
27 subsistence, to have a group like this is just incredible and
28 to have the opportunity to come before you and ask again that
29 the people of this town be allowed to go and do the c&t, the
30 customary and traditional ways, your support would be greatly
31 appreciated. And that's what I'd like to say because I know I
32 enjoy it, that's for sure. Thank you.

33
34 CHAIRMAN GARZA: I can't say I speak on behalf of all
35 of the Council members, but I would hope that I do. We
36 certainly understand that Juneau and Ketchikan have been
37 unfortunate in being such in a good location that the community
38 has grown around them. And that there were traditional uses of
39 those areas by Cape Fox people, by Tongass people, by Auke
40 people up in Juneau, and it's certainly my intent to support
41 your efforts however I can, you know, that I'm from here so I
42 have no reason not to support them. I guess to be wary of it,
43 maybe along the process because of what Rachel mentioned,
44 Federal Subsistence Board may choose to defer it, hoping, of
45 course, that the State comes into compliance and they have
46 don't have to do anything. But it certainly is worth the
47 effort and I hope that you can pull together a good document.

48
49 MR. HOPE: Madame Chair, thank you again for the time.
50 In closing we're going to put together a lot of detailed

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1 rationale that will support our position and we thank you for
2 extending yourself in listening to us and hopefully we'll
3 garnish your support. I know clan relation wise we're all
4 related it seems like, as it is, throughout Southeast so it's
5 good to see as many Natives on this Council as there are.

6
7 One final point, we also intend to submit some written
8 testimony by the deadline regarding the Proposed Rules on
9 Federal Subsistence Management program to include certain
10 inland waters. But again, thank you for your time.

11
12 (Native)

13
14 CHAIRMAN GARZA: Mr. Vale.

15
16 MR. VALE: Yeah, I'd like to encourage you to, in
17 addition to these efforts, to bring your efforts to Murkowski
18 and Stevens and Young. I know one of the difficulties you're
19 going to face is the fact that Title VIII identified Ketchikan
20 as an urban area, and I think to be successful it's going to
21 require an amendment to ANILCA. So maybe the door is open at
22 this time with other amendments being considered. So you know,
23 I would encourage you to, in addition to this effort, to try to
24 work with those individuals, you know, our representatives to
25 -- you know, maybe that will help you succeed as well.

26
27 CHAIRMAN GARZA: Well, since Herman was the champion of
28 getting Sitka as a rural determination you might have to hire
29 him.

30
31 MR. KITKA: Sitka was designated as a non-rural. When
32 they were going to hold the last hearing in Anchorage, I went
33 up -- I had a meeting with the Sitka ANB and the Sitka Tribe
34 and Sitka Tribe gave me the list of names of all the
35 subsistence users, all 2,000 residents that reside in Sitka,
36 their names were on there -- even before the Western Culture
37 came among us, the families were subsisting in that area. So
38 when I testified in front of the five panels that was holding
39 the meeting and who was supposed to belong, I presented the
40 names that I received from Sitka Tribe and in my testimony I
41 told them that Natives, even if they're rural, it's not going
42 to stop them from subsisting. And on top of that, under
43 Johnson O'Malley (ph), they're teaching the culture and
44 subsistence is our culture and how are you going to stop it, I
45 told them. And when they called the meeting back to order, all
46 five of them voted in favor of Sitka becoming a rural.

47
48 MR. HOPE: Madame Chair, I think it's obvious we'll
49 have to hire Mr. Kitka as a consultant and have him -- have
50 them face his wrath if they want to turn us down.

1 CHAIRMAN GARZA: That's true. Mary.

2
3 MS. RUDOLPH: I would like to encourage you guys to go
4 forward. I just probably have -- I'm up for reelection on this
5 one, but I'm the association president and I would like to see
6 you probably go to the tribes and ask for support from all the
7 tribes in your pursuit on this. Like my mother said, she never
8 thought the issue of having us identify our food would ever
9 become an issue, but it has come to that. So to have us all
10 rally around each other I think would give you a lot of
11 support. So I would like to -- when I get back I'll make sure
12 that our board knows about it so that we can write a letter of
13 support on your pursuit here.

14
15 MR. HOPE: Madame Chair, if there aren't any questions,
16 these urban Indians will go ahead and take a backseat again.

17
18 MR. THOMAS: If they're successful, Madame Chairman,
19 I'll be eligible.

20
21 CHAIRMAN GARZA: Okay, you better work with Herman
22 then. Thank you very much for being patient and waiting as
23 long you did. We certainly have been glad to have you in the
24 audience since we often don't have a large audience as you can
25 see now.

26
27 MR. THOMAS: Yes, please don't leave for a while.

28
29 CHAIRMAN GARZA: We might have questions. Okay, we had
30 one more request for public comment from Erik Hummel, he said
31 he'll be back between 3:00 and 3:30, so if we see him we'll
32 offer him the opportunity to speak because he has come and gone
33 waiting also. Back to the agenda, Old Business 8(B), the
34 Federal Subsistence Program update. ADF&G Coordination, that's
35 Bill's favorite topic. John.

36
37 MR. VALE: I'm wondering if we're going to take up the
38 Proposed Rule one more time. We didn't actually address it yet
39 at the Council.

40
41 CHAIRMAN GARZA: Correct. We did receive a report
42 regarding 8(A), but we did not take action as a Council so we
43 are back to Item 8(A), Proposed Rule Federal Subsistence
44 Fisheries management. We have that Proposed Rule in our packet
45 and we have an April 20th deadline for either us as a Council
46 or us as individuals to submit comments. Mr. Vale.

47
48 MR. VALE: Thank you. Earlier I passed out the two
49 page.....

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1 CHAIRMAN GARZA: Distributed?

2

3 MR. VALE: Yeah, distributed a two page document that's
4 the proclamation from Roosevelt that established the Tongass.
5 And in that proclamation it identifies the waters around the
6 Yakutat area. It draws a line up the middle of Yakutat Bay and
7 offshore down to the Elsak River, it also includes the inland
8 waters of Southeast Alaska. And the.....

9

10 CHAIRMAN GARZA: It looks like this, this handout. Go
11 ahead John.

12

13 MR. VALE: Anyway, as you all know the Proposed Rule,
14 the Forest Service doesn't recognize these waters as part of
15 the reserved waters inappropriately so, I believe, and say they
16 have been identified. And I certainly appreciated Mr. Tom
17 Abel's comments earlier. He talked about the government's
18 trust responsibility to Native people, and it's my feeling that
19 the Forest Service is in error, and they're not including these
20 waters. The gist of it is that it means fisheries, by and
21 large, are not going to be protected by ANILCA. And this is
22 wrong. And the -- together with the identification of these
23 waters and the trust responsibility, the Federal government has
24 with the Native people. I think we need to take strong action
25 to turn this around and have these waters included. And in the
26 interest of time, I'll stop there.

27

28 CHAIRMAN GARZA: I think it's an issue that certainly
29 has been brought up many times. I know Sitka Tribe, both
30 Herman and myself have argued for fisheries management for the
31 last few years. I'm sure that Sitka Tribe will be asking that
32 a larger area other than the designated rivers and streams
33 within Tongass National Park be considered subsistence.

34

35 Following up on what you stated, John, strategically
36 I'm not sure how, if we should just say all of the waters
37 within the archipelago. I have a specific interest in
38 lowering, if don't get all of those waters, not to use the mean
39 high tide, but rather the low, low tide so that the seaweeds
40 and shell fish and other intertidal resources that we so depend
41 on fall under Federal management as opposed to State. I've
42 certainly hit a brick wall every time I've brought that up, but
43 I would like to bring it back up for discussion.

44

45 I guess.....

46

47 MR. VALE: Dolly.

48

49 CHAIRMAN GARZA: I guess, you know, part of, you know,
50 when I've talked to Sitka Tribe's attorney, Jude Pate, and I

00272

1 know some of you know ANILCA far better than I do, I don't
2 study it as I should but the intent of ANILCA was to protect
3 subsistence. And it's my understanding that the agencies have
4 the right to reach out to non-designated areas if they need to
5 in order to protect the subsistence rights. And if our
6 subsistence is larger than what it encompasses within those
7 streams then I think we certainly are within the policy of
8 ANILCA to ask that that reach be made.

9
10 John.

11
12 MR. VALE: The language that allows them to reach out
13 to me is inadequate. And it says if activities off of Federal
14 public lands effect subsistence on Federal public lands, then
15 the Secretary reserves the right to take action but it's a very
16 difficult measure, I believe. The communities in Southeast,
17 you know, most of them, you know, or all of them are on State
18 lands or private lands and these activities occur in the marine
19 waters, the subsistence activities, most all of them and I
20 think it's a difficult reach for the Secretary to make the case
21 that these activities in the marine environment and the users
22 being on State lands, it's a difficult connection to make the
23 case that these activities on Federal public lands are being
24 effected. So to me that's not adequate.

25
26 And at this time then I'd like to offer a motion that
27 our Council provide additional comments on the Proposed Rule
28 using the -- in addition to any other concern that people want
29 to bring forward, but using the argument that I related to
30 earlier with those waters being identified by the enabling
31 proclamation that created the Tongass, and the government's
32 trust responsibility to Native people to provide for their
33 cultural and existence and the fact that ANILCA intended to
34 protect subsistence uses of fish and game, and by drawing a
35 line at mean high tide and not going into the marine
36 environment and fish are being protected, simple as that. And
37 I'd like to see the Council provide that in the record as our
38 comments.

39
40 CHAIRMAN GARZA: Do we wish to create an ad hoc
41 committee to work on this approving it in concept, developing a
42 document, sending it out via fax or mail and having Fred
43 polling us to make sure that that's what we're supporting for
44 the April 20th deadline?

45
46 MR. VALE: I'd support that Madame Chair.

47
48 CHAIRMAN GARZA: Okay. Gabriel's shaking his head yes.

49
50 MR. GEORGE: (Nods affirmatively)

00273

1 CHAIRMAN GARZA: Is there anyone who volunteers to be
2 on this ad hoc committee? Mr. Vale.

3
4 MR. VALE: Yes.

5
6 CHAIRMAN GARZA: Is this a one man committee?

7
8 MR. VALE: Come on now.

9
10 CHAIRMAN GARZA: I'll work with you John.

11
12 MR. VALE: Okay, thanks.

13
14 CHAIRMAN GARZA: And we'll ask Vicki and Marilyn in
15 they're interested in being on the committee since they're not
16 here so they're not able to jump to the charge.

17
18 Okay, so the intent would be to include all waters in
19 the Tongass as described in the enabling legislation?

20
21 MR. VALE: Yes.

22
23 CHAIRMAN GARZA: Okay. I guess the other thing that I
24 would recommend that we do individually and we did do a little
25 bit in Kake, is to look at the exact regulations for our area.
26 I intend to work with Herman and Sitka Tribe to see if the regs
27 in Sitka area are adequate for subsistence needs, which of
28 course, they're not, and to submit proposals or requests for
29 changes that would be incorporated in this Proposed Rule since
30 the Proposed Rule doesn't actually identify those regulations,
31 it simply states that they will mirror the State regs, which we
32 may not always be happy with. So I would charge you as Council
33 members to do that for your area.

34
35 Mr. Thomas.

36
37 MR. THOMAS: I was just waving good-bye to Ken.

38
39 CHAIRMAN GARZA: By Ken.

40
41 CHAIRMAN GARZA: Item 8(B), Federal Subsistence Program
42 update. Was that part of the report from you, Bill, or is
43 there something additional, Fred.

44
45 MR. THOMAS: I read my report. My report I already
46 gave.

47
48 MR. CLARK: A lot of these items are under Tab U in
49 your book. Bill has had intimate involvement in developing and
50 effecting changing and steering the process on many of these

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1 issues. So if you would wish to speak about these, I would
2 defer to him, otherwise I could talk about them a little bit.

3
4 CHAIRMAN GARZA: I tried deferring to him but he
5 fluffed it. Mr. Thomas.

6
7 MR. THOMAS: Okay. The first one has to do with
8 apparently the request from the State department to workout a
9 memorandum of agreement with the Federal Subsistence Board so
10 that they would have representation on this Council, as well as
11 representation on the Staff Committee; would help clarify
12 issues raised by agencies or Regional Councils and should
13 improve the quality of information in preparing recommendations
14 to the Board. Non-Federal representatives would only provide
15 information and would not act as members of the Staff committee
16 or would make decisions.

17
18 Well, the response by the Regional Council to the MOA
19 last fall generally supported efforts to improve coordination
20 and cooperation between the Federal program and ADF&G, the
21 Board and the Staff Committee are mindful of concerns raised by
22 the Councils that such efforts not weaken the Federal
23 subsistence protections. The Board is committed to the
24 maintenance of healthy fish and wildlife resources and the
25 continuation of subsistence uses by rural residents of Alaska
26 as mandated by Title VIII. The Staff Committee recommendations
27 are intended to strengthen the Federal subsistence program to
28 ensure that these commitments are met.

29
30 Okay. This is the first time I've seen that, I just
31 got my packet. But anyway, I've been in correspondence with
32 the Commissioner of Fish and Game and with the Chairman of the
33 Staff Committee in regards to that memorandum of agreement.
34 And I couldn't understand how it would be possible to make it
35 workable when one party is mandated by provisions of one
36 constitution and prohibited by another and vice versa. I see
37 that as a built-in conflict. And did they come up with a
38 recommendation; is that in here?

39
40 MR. CLARK: Yes. One of the main things that came out
41 in the discussions is that ADF&G and the Federal subsistence
42 program have a lot that they have to do together, no matter
43 what. We use a lot of State information. A lot of Staff work
44 -- ADF&G Staff work goes into the Federal subsistence program.
45 So the idea was how do you make that relationship smoother,
46 more effective for the Federal subsistence program. More
47 effective for the Councils and the Board. So the Staff
48 Committee looked at a number of different alternatives, one of
49 which is developing a memorandum of understanding. And then I
50 think where Bill really came in was saying that an MOU doesn't

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1 work very well and that's really where the Staff Committee
2 finally came to in making their recommendation.

3
4 They were originally called the MOU subcommittee of the
5 Staff Committee so a number of people on the Staff Committee
6 were tasked with the developing a memorandum of agreement, that
7 was kind of their view. And then they backed off and said,
8 well, maybe we don't need to do an MOU, maybe we don't want to
9 do an MOU, let's look at the whole range of ways to improve
10 communication between the Federal subsistence program and
11 Alaska Department of Fish and Game. What they finally came
12 down was some recommendations of how to get the communication
13 going a little bit better, how to -- what steps ADF&G should be
14 involved in to improve that communication and kind of backed
15 off the idea of having a memorandum of understanding.

16
17 MR. THOMAS: I think my point was well demonstrated at
18 this meeting. The State took up a great deal of our time
19 giving us information that had lots of merit to it if you were
20 looking under State regulations and if you're mandated by
21 State. But none of what they presented to us was acceptable by
22 ANILCA, and it doesn't make sense. We're here because of
23 ANILCA. Everything that comes out of here must reflect
24 provisions of ANILCA. And if the State can't do that then it
25 becomes a waste of time regardless of how good the information
26 is. Even the information I got early on. I wrote to two
27 sources of the Fish and Game to give me specific information
28 regarding the deer population, the wolf population on Game
29 Management 2 and 1, so that I could properly and accurately and
30 conscientiously reflect good management practices and still
31 provide an opportunity for subsistence. After we got all the
32 information, more information showed up that had nothing to do
33 with the request I made. I don't know how any kind of an
34 agreement would improve that. I thought that was pretty
35 simple. And I sent this in September, so if that didn't
36 improve it, what's it going to take to improve. I mean that
37 was a that was a good effort. Things were written, very
38 simply, there was no threatening innuendos, it was put together
39 as professional as we knew how, and we wind up right back where
40 we are. It looks to me like a plug in the drain and I don't
41 think we need to endure that. Like I said in my report,
42 ANILCA, by no means is a perfect document, but it's a
43 responsible document. It's a document that is designed to
44 serve a segment of the society in Alaska. It reflects a
45 priority preference of availability, the State does not do
46 that. How can we put those together and still come out with
47 the provisions of ANILCA?

48
49 CHAIRMAN GARZA: Is this an action item?

50

00276

1 MR. CLARK: This is for information and should the
2 Council wish to make comment on it, they're welcome to.

3
4 CHAIRMAN GARZA: I think we made comment at the Yakutat
5 meeting at length. And we do have -- the minutes are ticking
6 away.

7
8 MR. CLARK: Right. If I may summarize just two points.

9
10 CHAIRMAN GARZA: Just two points.

11
12 MR. CLARK: Those two points are on the first page
13 after Tab U. The first is that Alaska Department of Fish and
14 Game participates in -- will participate in Staff Committee
15 meetings when regulatory proposals or other issues effecting
16 State management programs are considered by the committee. But
17 equally, representatives of Regional Councils will be invited
18 to participate in the Staff Committee meetings, if necessary,
19 to address issues effecting those respective Councils. So
20 that's an attempt to put the State program and Council
21 involvement in the mix together.

22
23 MR. THOMAS: But why does the Councils have, if
24 necessary, and the State come up with an invitation? That's
25 what I'm getting at, infiltration and moving in rapidly.

26
27 The political delegation, what do you call them, the
28 House of Representatives -- I don't know, the politics in
29 Alaska are unable to come to a point to where they can identify
30 their own leadership, identify their own plan so the best thing
31 to do is put a scud missile right in the middle of one that's
32 working. And that's what's happening.

33
34 CHAIRMAN GARZA: Okay. We've heard the two points from
35 Fred, I would like to move on. Item 8(C), Regional Council
36 charter renewal.

37
38 MR. CLARK: Just a point of information, there are some
39 other things under that same tab that include work on
40 restructuring the Federal Subsistence Board, these are just
41 updates. And a policy on requests for reconsideration. And
42 some information on the consent agenda which the Federal
43 Subsistence Board will be using at the next Board meeting.
44 Does the Council want any information about any of those items?

45
46 CHAIRMAN GARZA: I would ask the Council to read that
47 portion of the packet. If we have time we'll come back to it.

48
49 MR. CLARK: Sounds good. The Regional Council charters
50 are up for renewal every two years. The Council looked at the

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1 Southeast Charter previously and made some recommendations and
2 those were put into the new charter which is under Tab V in
3 your book. Essentially the change is on the last page by the
4 addition of the word, unexcused, after removal of members. So
5 it now reads; if a Council member appointed under Paragraph 9
6 misses two unexcused consecutive regularly scheduled meetings,
7 the Chair of the Federal Subsistence Board recommend that the
8 Secretary of the Interior with the concurrence of the Secretary
9 of Agriculture remove that individual.

10
11 It also has some wording stricken which is in the
12 paragraph above that under the heading, Chair. That the
13 Council members shall elect the Chair for a one year term, that
14 part was stricken because it's no longer necessary.

15
16 And now if the Council wants to adopt the agenda -- I
17 mean the charter.

18
19 CHAIRMAN GARZA: Okay. This was also something that we
20 discussed at length at the Yakutat meeting. And I think it
21 was, if I remember correctly, the intent of this Council to add
22 that if a Council member misses two unexcused consecutive
23 regularly scheduled meetings, the Chair of the Federal
24 Subsistence Board recommend that the Secretary of the Interior
25 with concurrence of the Secretary of Agriculture remove that
26 individual. Is that still the wish of this Council, since it
27 is the only substantive change to this document?

28
29 MR. THOMAS: Why not just shoot them?

30
31 CHAIRMAN GARZA: Okay.

32
33 MS. PHILLIPS: Move to adopt the charter as amended.

34
35 MS. McCONNELL: Second.

36
37 CHAIRMAN GARZA: It's been moved and seconded.

38
39 MR. GABRIEL: Question.

40
41 CHAIRMAN GARZA: Question has been called. All in
42 favor signify by saying aye.

43
44 IN UNISON: Aye.

45
46 CHAIRMAN GARZA: Opposed.

47
48 (No opposing responses)

49
50 MR. CLARK: Madame Chairman, just so the Council is

00278

1 clear on this, that actually it's signed by the Secretary and
2 it's just to be okayed from the Council.

3

4 CHAIRMAN GARZA: Right. We have no objection. Annual
5 report, 1997 review. There was a subcommittee that met last
6 night. Is there someone who will report on that meeting? Mim.

7

8 MS. McCONNELL: Okay. This is very draft form. We
9 basically just listed items that would be written up so it
10 shouldn't take too long. One would be, comments on the
11 Proposed Rule using comments that have been expressed here this
12 afternoon. Including the need for solicitor's opinion on how
13 the issue can deal with issues raised by the rule and other
14 issues. The need to follow-up on the
15 letter supporting the tribal appeal or TLMP, the Tongass Land
16 Management Plan. That we need to reiterate points made in the
17 letter and to stress their importance and the need to seriously
18 consider the appeal. Also to stress that the plan had an
19 assumption of protection of led-to's and other protected areas
20 and that the.....

21

22 CHAIRMAN GARZA: Could I ask you to stop for a second?

23 MS. McCONNELL: Yes.

24

25 CHAIRMAN GARZA: Lonnie, you told me you had to leave
26 at 3:00, is that still the case, and if so, is there anything
27 you wish to say before you sneak off on us?

28

29 MR. ANDERSON: Can you hear me?

30

31 CHAIRMAN GARZA: Yes, we can.

32

33 MR. ANDERSON: I will be back in about 15 minutes.

34

35 CHAIRMAN GARZA: Okay. So someone here knows how to
36 reconnect him in 15 minutes or what?

37

38 MR. ANDERSON: I'll just leave it on mute and we're in
39 business.

40

41 CHAIRMAN GARZA: Okay. So when you come back you'll
42 just holler and let us know you're back?

43

44 MR. ANDERSON: Yes.

45

46 CHAIRMAN GARZA: Okay, thanks Lonnie.

47

48 MR. THOMAS: I'm on mute, too.

49

50 CHAIRMAN GARZA: Good. Okay, Mim, sorry.

1 MS. McCONNELL: That's okay. So anyway, dealing with
2 the map up there, the lands that have been selected and not
3 conveyed yet. With that issue that we talked about a little
4 earlier today. Another issue is identification of subsistence
5 needs by community. And then a collaborative Federal/State
6 community reporting system of local harvest. And developing a
7 strategy for the Regional Council that would do the following,
8 and there's a number of items under this. So keep in mind that
9 these are all dealing with developing a strategy for this
10 Council. One would be to clarify the Council's jurisdiction,
11 and that kind of relates to having a solicitor helping us with
12 issues. Allowing the Council identify and meet needs of
13 people. To develop a vision for future the Council and the
14 people it represents. Identifies alternatives to status quo
15 practices that may be detrimental to the region. Promotes
16 working at the ecosystem level with agencies and communities.
17 Includes involvement in the implementation Tongass Land
18 Management Plan including working with the planning team. And
19 then it is recommended that the Council hold a retreat during
20 the second week of April, 1998 to develop the above mentioned
21 strategies. Other participants may include the Forest Service,
22 Staff, a Federal Subsistence Board member and Staff member, the
23 Tongass Plan Implementation Team or TPIT, and any other people
24 that are -- that would be good to have there. And this would
25 be maybe a one or two day gathering, that's something we can
26 discuss. But this came up last night as we were talking.

27
28 Then another -- the annual report would include the
29 following positive reports, good things that have happened
30 since the last report. That progress has been made in
31 information gathering, for example, the Forest Service and
32 ADF&G collaborative effort for Unit 2. And then also the TRUCS
33 update that's being planned, the TRUCS study. Also involvement
34 of Council in development of the Tongass Land Management Plan
35 and other planning processes. Carol Jorgenson appointment as
36 Deputy and I couldn't remember what her.....

37
38 MR. CLARK: Forest Supervisor.

39
40 MS. McCONNELL:Forest Supervisor, okay. And then
41 the Information Assessment Team Product that Fred can fill us
42 in on, something he's been involved in that's in draft form
43 right now. And then also added on here is the testimony from
44 KIC that we heard today.

45
46 So that's what I have for going into the annual report.
47 Oh, and then I guess also the -- adding some -- well, that was
48 under the Proposed Rule, nevermind, so that's what I've got for
49 now.

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1 CHAIRMAN GARZA: So what is the process of turning that
2 into the annual report?

3
4 MS. McCONNELL: I think what we did last year is
5 working with Fred and coming up with a draft that gets sent
6 around to folks and we may go ahead, if the Council agrees on
7 this idea of a retreat, then it could be finalized during that
8 process of the retreat. It might be a good place to finalize
9 our annual report. If that doesn't happen, then we can just do
10 like we did last year.

11
12 CHAIRMAN GARZA: Fred, do you know if there are funds
13 to have a special meeting?

14
15 MR. CLARK: I do not know, but we can certainly look
16 into it. I think that the idea is a very good one. And that
17 there will be a lot of support on the part of both the Federal
18 Subsistence Board Staff with the Fish and Wildlife Service and
19 with the Forest Service leadership.

20 CHAIRMAN GARZA: So the recommendation would be that a
21 draft annual report be developed for review by the Council at a
22 special retreat the second week of April in Sitka?

23
24 MS. McCONNELL: Juneau.

25
26 CHAIRMAN GARZA: There's herring eggs in Sitka.

27
28 MR. VALE: Hey, Sitka's moving up on the list.

29
30 MR. CLARK: I should probably point out that if it's
31 going to be a retreat, unless we want to do all the public
32 notification and all that sort of stuff beforehand, that we
33 would not -- the Council would not be in a decision-making mode
34 during that time. So anything that required a Council based
35 decision wouldn't be done at that point.

36
37 CHAIRMAN GARZA: John.

38
39 MR. VALE: With regard to the Proposed Rule -- or I
40 mean with our annual report, you know, we had a committee that
41 we formed of about five people, and you know we could complete
42 that annual report in the meantime and you know, if we don't
43 meet then we can send a draft out and finalize it like we did
44 before. Or if we do have this retreat we can finish that at
45 that time and this could be our final action or final authority
46 to move on that at this time. And with the regards to the
47 appeals from the five tribes, I've got a copy of those appeals
48 and they're stacked up on the corner of the table here. I know
49 some of you have read that because they're from your
50 communities, but for those of you that haven't or want a copy I

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1 encourage you to pick one up and read it, it's excellent
2 reading. It says everything that I would have ever wanted to
3 say about the Tongass Land Management, and it's an excellent
4 critique of the process and of the problems in it and I
5 encourage you all to read it. It's really good reading. And
6 the letter that we sent out is a good letter. It does hit the
7 points there, but I think it's important to address it further
8 in the annual report.

9
10 And besides that, the list of things that Mim went
11 through here, we were just kind of brainstorming on and the
12 conclusion we came to was that it would be good at one point
13 for us, as a Council, to get together and do the same kind of
14 brainstorming where we're not pressed by resolving the issues,
15 and we thought maybe we could make some progress as a group if
16 that were to happen. So I'd encourage everyone to participate
17 in that. That's all I have, thanks.

18
19 CHAIRMAN GARZA: Gabriel, and then John.

20
21 MR. GABRIEL: I agree with the procedure as laid out.
22 What I would request for those that are going to be involved in
23 the annual report, consideration, is that map on the wall that
24 was brought up in terms of selected lands in the Tongass but
25 not conveyed, that that has a lot of different information on
26 it and some misinformation on it, so that I would caution the
27 writers of that to -- or I would recommend that they not
28 address it unless they have all the information, I guess is a
29 better way to put it, rather than not wasting their time.
30 Because certainly it's a learning experience. I've looked
31 through the map of Southeast Alaska and recognize all the
32 inaccuracies in mapping maps and that has a lot on it. So I
33 would highly recommend that they exclude that from the annual
34 report unless somebody's willing to spend a heck of a lot of
35 time, and I've looked at it for at least a couple of years.

36
37 CHAIRMAN GARZA: Okay. John Feller and then Mim.

38
39 MR. FELLER: Thank you, Madame Chairman. I met a
40 little bit with them last night on that annual report. And one
41 thing I liked about this booklet here is some of the updating
42 on c&t. For instance, this one on Unit 1(B), I'll just read
43 the part that I liked. Historically the Stikine River area was
44 a traditional use area for the Wrangell or Stikine Tlingits,
45 use by other Tlingits or by any other group was by permission
46 of the Wrangell Tlingits. So I think that's one.....

47
48 MR. GEORGE: To include in the annual report?

49
50 MR. FELLER: Yeah, sure.

00282

1 CHAIRMAN GARZA: So you'll include that in the annual
2 report?

3
4 MR. VALE: Sure.

5
6 CHAIRMAN GARZA: Okay. So is it the intent of the
7 Council to support the recommendations that we request a
8 special retreat for the second week in April in Juneau or Sitka
9 to review the annual report.

10
11 MR. VALE: I would so moved.

12
13 CHAIRMAN GARZA: Okay. Moved.

14
15 MS. McCONNELL: Second.

16
17 CHAIRMAN GARZA: Seconded.

18
19 MR. GEORGE: Question.

20
21 CHAIRMAN GARZA: Question. All in favor signify by
22 saying aye.

23
24 IN UNISON: Aye.

25
26 CHAIRMAN GARZA: Opposed.

27
28 (No opposing responses)

29
30 CHAIRMAN GARZA: Rachel.

31
32 MS. MASON: Madame Chair, Mr. Feller, bringing this up
33 about the c&t brought to mind that I think that a retreat would
34 be a really good opportunity for this Council to discuss a
35 strategy for pursuing c&t throughout Southeast Alaska and we
36 could consider, as a whole, all the c&t's that might come
37 before us and so it -- I think in addition to the annual
38 report, we should also work on that.

39
40 CHAIRMAN GARZA: In terms of finances I understand if
41 it has to be held in Juneau, but if not, I will do my best to
42 offer you herring eggs if you meet in Sitka. Okay. So we will
43 keep rolling along here. We have one member in the public who
44 has waited very patiently, is that you Mr. Erik Hummel.

45
46 MR. HUMMEL: Yes.

47
48 CHAIRMAN GARZA: Okay, you've come back. I'd like to
49 give him the opportunity to testify now rather than waiting to
50 4:45 when we're all trying to jump out of here.

00283

1 MR. HUMMEL: Thank you very much. I appreciate the
2 opportunity. I realize you guys have been here a long time.
3 My name is Erik Hummel, I work on a community health
4 information project for Tongass Conservation Society. And one
5 of my jobs is to sort of keep track of, for the sake of the
6 community and to involve the community -- is to keep track of
7 the Ketchikan Pulp Company cleanup and how it effects our
8 community. With the closure of the KPC mill they've begun a
9 cleanup project that's supposed to fill the obligation of
10 restoring damage to the environment caused by its operations
11 there for in Ward Cove for the last 43 years. Under orders
12 from the EPA and the DEC, the major objective of this cleanup
13 is to protect the community from dangerous chemicals that
14 remain in the soils, and sediment, ground water and biota. As
15 part of its Ward Cove sediment remediation project, KPC
16 submitted to EPA a thing called a baseline human health risk
17 assessment. That risk assessment modeled the transport of
18 chemicals from sediment into the marine ecosystem and
19 ultimately to human receptors. Those receptors the most
20 sensitive one is considered to be the subsistence fishing
21 person.

22
23 In the case of dioxane which is one of the major health
24 concerns in this cleanup, the result of KPC's model showed that
25 there's an increased risk of developing cancer for the
26 subsistence user of one in 7,800. That's not an insignificant
27 risk. DEC, for better or worse, has set the target risk for
28 cleanups to be one in 100,000. So it's about 13 times the
29 level that's considered sort of acceptable by some people.

30
31 KPC argued that this sampling of actual tissue more
32 accurately describes the risk to the subsistence fisherman but
33 the problem is that KPC has failed to conduct any sampling.
34 Instead it used data from studies collected on mussels
35 suspended in pulp mill affluent, a situation that no longer
36 continues to exist and doesn't deal with the sediment in the
37 bottom of the cove. And one study from DEC that includes six
38 salmon samples, two crab samples and one rock fish conducted
39 back in 1990. From a scientific standpoint, the affluent tests
40 are completely irrelevant. And from a statistical standpoint
41 the DEC test just are meaningless of setting any upper bound
42 for what the contamination might be in fish. One point is that
43 tissue samples collected near APC in Sitka showed the levels of
44 dioxane were much more consistent with the modeled numbers that
45 KPC came up with.

46
47 So -- and then another problem is that cancer is really
48 not considered to be the most sensitive measure of health
49 effects of dioxane, indeed, it's considered to be really an
50 indirect effect of dioxane's interference with the andraprin

00284

1 system, the hormone system.

2

3 This may or may not be particularly significant to you,
4 but it's one piece of many that shows that in this process, at
5 least, the cleanup has made every attempt to avoid collecting
6 information which might indicate that there is a problem, and
7 unfortunately if there is a problem it will, without a doubt,
8 be a most serious for the subsistence users. So my reason for
9 being here today and making just this short presentation is
10 that to alert you to the fact that the mathematical models show
11 a serious problem of contamination. That the models have been
12 dismissed on the basis of inadequate scientific data. And that
13 now is really the only time when anyone can request data be
14 collected in the form of tissue samples of fish, shellfish and
15 other subsistence foods, at least, within the context of the
16 Ward Cove Sediment Remediation Project and I don't see any
17 other vehicle for getting that information. And so I'm urging
18 you to contact Karen Keelee who is the project manager for
19 this, she's with USEPA Region 10 in Seattle to request a
20 thorough and scientific sampling program be the basis of any
21 risk assessment that's used to guide cleanup efforts.

22

23 And that's what I have to say, thank you.

24

25 CHAIRMAN GARZA: And in your request to testify you did
26 say you had written materials?

27

28 MR. HUMMEL: I have -- unfortunately what I'm calling
29 attention to is a lack of information not information. I do
30 have the pages from the report which show the risk that they
31 modeled. And sort of their explanation for why we don't have
32 to consider that, so I have six pages out of that. I can
33 provide that to you as well as the things that I said.

34

35 CHAIRMAN GARZA: And have you worked with KIC?

36

37 MR. HUMMEL: I have been talking with KIC about the
38 issue and one of the members of KIC is involved in the group
39 here looking at the technical aspects of the cleanup.

40

41 CHAIRMAN GARZA: Will they be writing a similar letter
42 requesting that testing.

43

44 MR. HUMMEL: I don't know, I can't speak for KIC.

45

46 CHAIRMAN GARZA: Okay. I guess because it's getting
47 near the end of the day it would be nice if we had a letter
48 that we could follow that letter.

49

50 MR. HUMMEL: I can provide you with this.....

00285

1 MS. McCONNELL: A letter.....

2
3 MR. HUMMEL: Absolutely.

4
5 MS. McCONNELL: That would help.

6
7 MR. HUMMEL: At your next meeting?

8
9 MS. McCONNELL: It could get done before then. It
10 could go to, probably, Fred.

11
12 MR. HUMMEL: Okay, you bet.

13
14 CHAIRMAN GARZA: So it is the intent of the Council to
15 support Tongass Conservation Society's request to ensure that
16 there is thorough and scientific sampling of the cleanup area
17 for KPC.

18
19 MR. HUMMEL: Particularly tissue samples of subsistence
20 -- of fish -- of fish and shellfish, that's what we're
21 interested in.

22
23 CHAIRMAN GARZA: Is that our intent?

24
25 MR. THOMAS: And publish their findings.

26
27 CHAIRMAN GARZA: And publish their findings.

28
29 MR. HUMMEL: Absolutely, you bet.

30
31 CHAIRMAN GARZA: Okay. Hearing no objection, we will
32 get a draft letter from you, Fred will get it out -- now, we're
33 giving you more work, in Yakutat we didn't give you much.

34
35 MR. THOMAS: That was my intent.

36
37 CHAIRMAN GARZA: Hearing no objection. So it is my
38 understanding that we're done with public comment unless
39 anybody else intended to speak from the public perspective.
40 Regional Council membership nomination process update, Item
41 8(E), that is in our packet, back in W.

42
43 MR. CLARK: That's right.

44
45 CHAIRMAN GARZA: For Region Southeast, there are five
46 seats that are up; John Feller, Mary Rudolph, Patricia
47 Phillips, Mim McConnell, and Lonnie Anderson. How do you wish
48 to update us on this process, Fred?

49
50 MR. CLARK: Essentially just to let you all know

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1 exactly what you said, that those folks, their seats are up, if
2 they want to reapply they need to get it in within the next
3 couple of days if they hadn't done so already. Applications
4 must be postmarked by March 13th, 1998. And there have been a
5 lot of, I guess, a lot of dialogue among Staff and Board
6 members and stuff on how to do the evaluation process for
7 people who are nominated as members. And that's just a
8 continuing thing and it's going to continue to evolve probably
9 as long as we have the Council membership process. But I don't
10 think I need to go into any great detail about all that.

11 CHAIRMAN GARZA: Well, I guess I would like to comment
12 that I certainly was interviewed when I was up for
13 reconsideration again. And although, I could be snotty about
14 it and say it was redundant, I appreciated the fact that there
15 was an effort to ensure that I was a subsistence person and
16 that I represented subsistence interests, and so I think that
17 that ongoing process is a good process.

18
19 MR. CLARK: Madame Chairman, Patti just pointed out an
20 inconsistency here which I think is good to be aware of.

21
22 MS. McCONNELL: Yeah, I noticed that.

23
24 MR. CLARK: That on one sheet it says that the
25 applications are due by the 20th and one says by the 13th.

26
27 CHAIRMAN GARZA: Right. And so if you could pass it on
28 that we may have to follow the 20th because I've seen that 20th
29 deadline and that may actually be what's on the radio.

30
31 MR. CLARK: It says the 20th in several parts, so it's
32 a democratic document so the majority wins.

33
34 CHAIRMAN GARZA: Okay, April 20th. So you can postpone
35 getting your fax over there for another week. Okay.

36
37 MR. VALE: Dolly, I don't know if Lonnie's back, but if
38 he's not, I'd like to be sure to let him know that his term's
39 expired. Can you do that?

40
41 MR. CLARK: I've talked to Lonnie about it.

42
43 MR. VALE: Okay.

44
45 CHAIRMAN GARZA: Okay, that's the end of old business.
46 I'd like to move on to new business. We have three items under
47 new business and then we have the location and date for the
48 next meeting, comments. Do we wish to take another quick break
49 or are we on a roll. I had enough caffeine and candy that I
50 could sit here but we may need to break.

00287

1 MR. THOMAS: Salena, wants to take a break, yes.

2

3 REPORTER: Yes.

4

5 CHAIRMAN GARZA: Okay, five minute break.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN GARZA: Agency reports, in parenthesis, brief
12 summary. But we will give Mr. Summers all the time he needs
13 since he has been so patient as to wait as long as he has to
14 make his presentation. He will be followed by John, who will
15 bring up his item which we have down as Item 9(D), so the two
16 will be combined. Clarence.

17

18 MR. SUMMERS: Madame Chairman, Council members,
19 Clarence Summers, National Park Service. I'll try to make this
20 short. I have two items and John Vale will assist me since
21 he's the Chairman for the Wrangell-St. Elias Subsistence
22 Resource Commission.

23

24 Item number one, is the Wrangell-St.Elias Subsistence
25 Plan, you should have a copy. I think our Staff sent copies to
26 the Regional Councils for the Southeast region and to the
27 Southcentral region and to Eastern Interior. There's a
28 requirement in Section 808 of ANILCA that the Subsistence
29 Resource Commissions will have consultation with the effected
30 Regional Councils within the region, and you happen to be one.
31 The short of it is is this plan contains information on
32 subsistence fishing and hunting and gathering -- it's hunting,
33 trapping and gathering in Wrangell-St.Elias National Park.
34 It's an attempt to better document the work of the Subsistence
35 Resource Commission. There are seven Subsistence Resource
36 Commissions currently operating in the State of Alaska under
37 the guidance of the National Park Service, and Wrangell-
38 St.Elias happens to be the first Commission that's prepared a
39 report such as this. And it's currently available for public
40 review and comment. And I think there was a cover letter in
41 your booklet. I think there's mention of several deadlines.
42 Comments are due, I think March 21st, now, that's a soft
43 deadline, by the way, I just want to make that clear. I think
44 this letter also mentions that the Subsistence Resource
45 Commission will meet in Tanacross in March -- it says the 24th
46 and 25th to review comments and that meeting was rescheduled,
47 it's now April 7th and 8th. And so like I said the deadlines
48 are soft, this is a living document. This is the first call
49 for comments, it's still in draft. And so if you want to, at
50 your next meeting, to officially submit something, you know,

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1 feel free to do so. In the meantime, if you want to submit
2 individual comments to the National Park Service, please do so,
3 and we'll take them into consideration. There is an address, I
4 think, on Page 2 of the first section. The Superintendent of
5 the Park, John Jarvis is the Commission -- well, the charter
6 states that the Commission reports to the Park Superintendent,
7 that's John Jarvis, his office is in Copper Center.

8 And I'll stop with that. I'm not sure if you've had
9 time to review this, but if you have any questions on this
10 plan.....

11
12 CHAIRMAN GARZA: In terms of process, Clarence, when
13 you stated in the letter that the comment period of March 21st
14 was extended to April 7th and 8th, did that also change the
15 meeting in Tanacross or is that still the 24th and 25th?

16
17 MR. SUMMERS: Let me try to answer your question. The
18 letter states that -- identifies March 21st is the due date for
19 comments, and when this letter was prepared, I think it was
20 January 7th, the plan was to collect the comments and at that
21 meeting review the comments while the Commission was in
22 session. I guess that was the original plan. But because of a
23 delay in getting this out to the public and other effected
24 parties, like I said, the thought is now that this not be a
25 hard and fast deadline. I'll refer to it as one that's no
26 longer in effect. The plan will be to gather -- I think to
27 date there's several comments, there are comments from some of
28 the other Regional Councils, at the April meeting we'll review
29 comments and then try to incorporate the comments into the plan
30 if appropriate. And then like I said, this is a living
31 document and so this isn't the final. I think the guidelines
32 are to, at some point prepare a final and if there's a major
33 revision involve the public, but we haven't decided on that
34 date as of yet. So hopefully that's a little further down the
35 road. But the idea is to bring this to the attention of the
36 effected Regional Councils and local advisory committees and to
37 the State of Alaska.

38
39 CHAIRMAN GARZA: Okay, John.

40
41 MR. VALE: Just following up a little bit on the plan
42 here for your own information. When you look at the categories
43 in here you'll see different colored sheets. And the yellow
44 sheets are the existing status of the plan.

45
46 CHAIRMAN GARZA: Okay.

47
48 MR. VALE: And the orange sheets are proposed actions
49 that haven't been finalized that are pending.

50

1 CHAIRMAN GARZA: Okay.

2

3 MR. VALE: And are waiting to work through the process.

4

5 CHAIRMAN GARZA: And the green.

6

7 MR. VALE: That's why they're color-coded. I'm not
8 sure about the green and the purple, Clarence, you might have
9 to help me out on that one.

10

11 MR. SUMMERS: Turn into the document and I believe it's
12 Page 2 -- actually two pages in and I think there's a listing
13 and it states that the yellow page is a description of the
14 issue, and it's an issue -- if it was an issue before the
15 Commission, and the peach color/salmon color page identifies
16 the proposed action -- okay, let me do it this way. The yellow
17 sheet identifies the issue. It explains what the NPS policy is
18 on the subject. An example would be this first section lists
19 eligibility, and there's an attempt here to describe
20 eligibility in Wrangell-St. Elias. In a nutshell, there are 18
21 resident zone communities and there's a permit system that the
22 superintendent manages. So there are two ways to acquire
23 eligibility in a Park. And in this case, Wrangell-St. Elias
24 National Park, live in one of the resident zones or obtain a
25 permit from the superintendent. And the authorities are listed
26 below, as you can see, the 30 CFR contains definitions for this
27 eligibility program. And so the yellow sheets throughout the
28 booklet give the review or a snapshot of the Park Service's
29 eligibility program.

30

31 The salmon colored sheet if you turn the page, if
32 you're in this first section, it states a proposed action by
33 the Subsistence Resource Commission. And I believe in this
34 first section on Page 2 in the eligibility section, it states
35 that the Commission wants to add resident zone communities.
36 Like I said there are 18 communities currently identified or
37 designated as communities where the residents are authorized to
38 engage in subsistence in the Park. So this proposed action,
39 the salmon colored proposed action is a Commission
40 recommendation to add Dot Lake, Tetlin, Northway and Tanacross
41 to the Wrangell-St. Elias subsistence resident zone community
42 program. And so this page gives you some background on that
43 recommendation. It gives you the current status, so it's an
44 executive briefing, if you want to call it that, similar to
45 your booklet that you use, I think, in the proposals, there's
46 an executive summary. This is an attempt to summarize the
47 issue, provide the reviewer with some background and give the
48 current status. And as an example the current status -- the
49 Park Service has drafted a proposed rule to do just that, add
50 these communities and it's currently under review. As a

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1 matter-of-fact we're going to meet in Tanacross and continue
2 the discussion. And so that gives you an example of what the
3 salmon color represents.

4
5 I believe the lavender pages are issues that have been
6 resolved, SRC completed actions. They give you an example of
7 one in here dealing with aircraft access. But if it's a
8 lavender or purple color, it's something that the Commission
9 proposed and either they dropped the issue or whatever they
10 recommended came to pass and it's now in regulation and on the
11 books.

12
13 And if it's a green colored page, that means the
14 National Park Service proposed an action. And a similar
15 scenario, you got the issue background, current status and the
16 authority and there's a summary here. And so that, I think
17 takes care of the sections that are color-coded. And if you
18 have any questions, I'll take them at this time.

19
20 CHAIRMAN GARZA: I just looked through it and I didn't
21 see a map.

22
23 MR. SUMMERS: A map of the Park. That's a good
24 recommendation. And I can only state that this is an attempt
25 to provide some background on the issue.

26
27 MR. THOMAS: I'm listening to you Clarence.

28
29 MR. SUMMERS: We have a photograph on the front, I'm
30 sure there's more photographs to be added later. You're
31 correct, there are no maps here. I can provide you with a Park
32 brochure. I apologize that they didn't include a Park map.

33
34 MR. VALE: We better get one in there.

35
36 MR. SUMMERS: Right, we can do that.

37
38 CHAIRMAN GARZA: We're not as all familiar with all of
39 the communities involved.

40
41 MS. McCONNELL: But this is a very nice job.

42
43 MR. THOMAS: Oh, man it's super.

44
45 MR. SUMMERS: The other sections in the back, just
46 quickly, I think there's a copy of a proposed rule, and the
47 time line so you can get a feel for what's being proposed.
48 There's a c&t section that shows the customary and traditional
49 use determinations that are in Federal regulation in Subpart C
50 for the species. For example, here's a page in it for c&t

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1 determinations in Unit 12. It lists the existing c&t
2 determinations. The plan is to keep this thing current. And
3 so if and when the Board acts on a proposal or a regulation
4 that effects c&t we'll revise this page as appropriate. And
5 normally there's a copy of ANILCA and some other NPS regs. And
6 like I said, this is the first cut from the printer and it
7 happens to have a glossy photo and it happens to be mine on the
8 cover. But the plan is to include maps and other photographs
9 for each section to make it more user friendly.

10
11 MR. VALE: For years on the Commission we were dealing
12 with -- we didn't have this and we were dealing with one issue
13 or another and you know I think we had some trouble maintaining
14 some consistency and this was an effort to help keep us
15 informed and focused and now we have it. It's certainly
16 welcome.

17
18 CHAIRMAN GARZA: John, Herman just slipped a note over
19 to me that this area is really the concern of Yakutat much more
20 than the rest of Southeast, so I guess, we would yield to you
21 if you have comments concerning it, that you would let us know
22 so that we could support your concerns or your recommendations.

23
24 MR. VALE: We'll do that.

25
26 CHAIRMAN GARZA: Okay.

27
28 MR. VALE: And I guess I'll just go ahead and move
29 along. I have two items I want to relate to the Council here.
30 One, the folks in Yakutat have asked myself on behalf of the
31 folks in Yakutat have asked the Park Service to amend their
32 restrictions on the use of ATVs in the Park.

33
34 Presently, the uses are restricted to roads and
35 existing trails. And for our -- for the section of Park near
36 Yakutat there are no roads or existing trails so the uses of
37 ATVs are pretty much not allowed. They do allow below mean
38 high tide because the Park only goes to high tide, so there's
39 some ability to use them but it's not enough and we're
40 attempting at this time to get the Park Service to modify that
41 restriction and what we've suggested is that it read beaches,
42 roads and existing trails because the beaches are our roads
43 there. And they're not subject to the types of damage like
44 marsh and terrain and everything, and they're what we have
45 always used. And there is a long history of not necessarily
46 ATVs like we see today, the Hondas, but Jeeps were a commonly
47 used piece of equipment for those subsistence and commercial
48 activities. And so right now the Park Service is attempting to
49 document that historical use so that we can perhaps get these
50 regulations liberalized.

1 And the second item I had was a handout I passed to
2 you. This is an action item, if I can find it, here it is.
3 What it is is at our last meeting we proposed a residency
4 requirement to -- in order to participate in the Park to take
5 subsistence. And there's some concern that people were --
6 right now there really isn't a residency requirement and
7 there's concern that people were moving into the communities
8 saying they're a resident, hunting in the Park and then leave.
9 And the Commission felt that there should be a minimum of one
10 year residency before a person can establish, you know, their
11 uses in the Park. And so this is a copy of our -- I've handed
12 out a copy of the proposed recommendation and I hope you've had
13 a chance to read it, it's fairly short.

14
15 CHAIRMAN GARZA: Show me what it looks like again.

16
17 MR. VALE: Right here.

18
19 CHAIRMAN GARZA: I'm having a hard time finding it.

20
21 MR. VALE: I handed it out just a few minutes ago while
22 we were at the break, I left it right in front of everyone.

23
24 CHAIRMAN GARZA: Oh, I see, okay.

25
26 MR. VALE: And if you want to take a minute to read it,
27 I'll intend to offer a motion with regards to this.

28
29 CHAIRMAN GARZA: Okay. Can you offer the motion now?

30
31 MR. VALE: Okay. I would move that our Council support
32 this proposed recommendation to require a one year residency in
33 order to take subsistence resources.

34
35 MS. McCONNELL: Second.

36
37 CHAIRMAN GARZA: It's been moved and seconded to
38 support the proposed recommendation that a minimum residency
39 requirement of one year be established for individuals in
40 resident zone communities and this is in regard to the
41 Wrangell-St. Elias National Park area. So it is specific to
42 that area. If we voted in favor of this motion, then this
43 intent will go to the SRC, who are meeting in Copper Center
44 this spring?

45
46 MR. VALE: Yeah, in about two weeks, the 7th and 8th, I
47 believe are their dates for our next meeting. And once the
48 Commission receives these comments as well as from the Regional
49 Councils we'll take final action on it and then our
50 recommendation will go to the Secretary of the Interior and the

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1 Secretary will then, you know, take action to sign it or kick
2 it back to us or some other action. If he does sign off on it
3 then that will become a requirement for the Park.

4
5 CHAIRMAN GARZA: I guess we could have some
6 deliberation on residency requirements and legalities and
7 stuff, but I guess I would like to avoid that and just for us
8 to vote on our intent of whether or not we're supportive and
9 let someone else deal with the legal issue of it. I certainly
10 would speak in favor of the motion.

11
12 MS. McCONNELL: Question.

13
14 CHAIRMAN GARZA: Question has been called. All in
15 favor of the motion say aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN GARZA: Opposed.

20
21 (No opposing responses)

22
23 CHAIRMAN GARZA: Okay. So we do recommend a minimum
24 residency requirement of one year for Wrangell-St. Elias.

25
26 MR. VALE: And as a follow-up on that, I guess we'd
27 appreciate a short letter, I think one paragraph would probably
28 be enough expressing our position on this.

29
30 CHAIRMAN GARZA: Okay, Fred, will you do that?

31
32 MR. CLARK: With help from John Vale, certainly.

33
34 MR. VALE: Sure.

35
36 CHAIRMAN GARZA: Okay.

37
38 MR. VALE: And so thank you.

39
40 CHAIRMAN GARZA: So in terms of the deadline for
41 reviewing this document, Fred, will you get a one-pager off to
42 us as Council members that we could look at or can Clarence
43 expect to get anything from this Council?

44
45 MR. CLARK: The way I would see the process working is
46 John Vale put something together and I'll put it on Council
47 letterhead and ship it out for everybody to look at.

48
49 CHAIRMAN GARZA: And are you current enough that you
50 feel you can do that without being strung out?

1 MR. VALE: I guess, you know, having been involved in
2 the creation of this, I don't have any comments for changes.
3 The general idea here is really just to review it and if
4 there's something that you don't understand or that you feel
5 maybe could be improved on, any of you see something like that,
6 please let me know. And a map is a good one; there's one right
7 there and I like that one. But by and large I'm real happy
8 with the way this document is put together.

9
10 And also it's -- even though there is a deadline here,
11 it's not a, I believe, a hard and fast deadline. This thing is
12 going to be changing continuously as time goes on. So anytime
13 there's a comment or concern about this document, you know, no
14 reason not to hesitate to forward it.

15
16 CHAIRMAN GARZA: Well, perhaps you could draft a
17 letter, it doesn't have to be long that says that we don't
18 object to the work that has been done. We appreciate the Park
19 Service for embarking on this great effort. I think it's taken
20 years to get into this process and it's good to hear that there
21 are seven regional subsistence commissions that are working on
22 different issues. And I'm glad we're sort of ahead of them
23 because I think there are a number of issues in our regions, at
24 least, in your area that need to be dealt with. And so even if
25 it's a general letter of support, I think that would be good to
26 get it out there.

27
28 MR. VALE: And I guess, lastly, just for your own
29 information, the Commission is much like the Regional Council
30 only it just deals with the Park. And for a recommendation to
31 be rejected, it's the same type of criteria that a Regional
32 Council recommendation can be rejected at, you know,
33 substantial evidence or contrary to subsistence needs. So
34 we're very much like a Council only we just deal with the Park.

35
36 CHAIRMAN GARZA: I just don't think that anybody else
37 could just be like us, John. I think we're unique in all
38 senses. Okay, so is that Clarence?

39
40 MR. SUMMERS: That's it.

41
42 CHAIRMAN GARZA: Okay, thank you, very much for waiting
43 so patiently for these last two days.

44
45 MR. SUMMERS: Thank you.

46
47 CHAIRMAN GARZA: Thank you for the report. And thank
48 you, John, for your work on the Commission.

49
50 MR. VALE: Okay.

1 CHAIRMAN GARZA: Next under 9(A)(2), Fish and Wildlife
2 Service Fish Service, Migratory Bird Treaty Act. Fred Clark
3 handed out to us a synopsis of it. The lady who was going to
4 present on it flew away. Fred.

5
6 MR. CLARK: Madame Chairman, thank you very much. I
7 wanted to sit up here so I could feel like a real Staff person
8 for a change. This is what I distributed a little bit ago.
9 This is the epitome of passing the ball. Mimi was here, then
10 she had to leave so she gave it to Bill Knauer. Bill Knauer
11 was here and he had to leave so he gave it to me. So I'll
12 leave now.

13
14 My question is, do you really want me to go over this
15 now or do you want to just have it to read?

16
17 CHAIRMAN GARZA: I think we can just have it to read.

18
19 MR. VALE: Yes.

20
21 MR. THOMAS: Oh, no.

22
23 MR. CLARK: It doesn't impact Southeast very much.

24
25 CHAIRMAN GARZA: That's your analysis?

26
27 MR. CLARK: And it's going to take about four years
28 before the regulations come into place.

29
30 CHAIRMAN GARZA: Okay. So Fred's analysis is that it
31 doesn't impact us very much and we've got four years to think
32 about it so we'll leave it at that.

33
34 MR. THOMAS: I'll look at it in four years.

35
36 CHAIRMAN GARZA: Okay.

37
38 MR. CLARK: Very good.

39
40 MR. VALE: I would make a brief comment.

41
42 CHAIRMAN GARZA: Wait, wait, Fred sit back down. John.

43
44 MR. VALE: Well, the comment is I should have mentioned
45 that this was the hunting -- we put in a hunting recommendation
46 last year from the Commission asking to -- there was no
47 waterfowl hunting on the Park. The Park's don't have waterfowl
48 hunting because they're not part of ANILCA, the Migratory Bird
49 Act, just like Marine Mammal Act is not part of ANILCA. So
50 there hasn't been any waterfowl hunting on the Park. So we put

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1 in a recommendation asking for that and it turned out that it
2 required, you know, it was a Treaty Act and it required a long
3 process in order to get amendments to that Treaty to allow for
4 that to happen. We worked on it for several years, that
5 process did take place and what this means is it is important,
6 I believe, to Southeast residents, because what -- things like
7 harvesting sea gull eggs, tern eggs, they're considered
8 migratory birds, those were not allowed legally in the past and
9 these changes will make that legal. So it is good for
10 subsistence people and it also allows for waterfowl hunting in
11 the Parks. So I just wanted to update you on that.

12
13 MR. THOMAS: When were they not legal?

14
15 MR. VALE: It never has been legal.

16
17 CHAIRMAN GARZA: Ongoing.

18
19 MR. THOMAS: Oh, I ought to think about developing a
20 new taste, I guess.

21
22 MR. VALE: The Fish and Wildlife Service has basically
23 turned their head the other way on this one. And so now the
24 process is coming about it will become legal.

25
26 MR. CLARK: And the only other thing I would like to
27 add if I may, Madame Chairman, is that there will be separate
28 regulatory bodies setup to handle the -- there will be the
29 possibility to change regulations as they're developed and that
30 changing will go through a different body than the Regional
31 Advisory Council. So this body won't be handling this piece of
32 legislation and the Treaty regulations.

33
34 CHAIRMAN GARZA: I know that RuralCap has been very
35 involved with this process and I trust that they will ensure
36 that the subsistence needs are met as best as they can. But
37 Gabriel or John, did one of you have your hand up or have you
38 long forgotten what you were going to say?

39
40 MR. GEORGE: We forgot.

41
42 CHAIRMAN GARZA: Okay. Thank you, Mr. Clark.

43
44 MR. CLARK: You're very welcome.

45
46 CHAIRMAN GARZA: Okay. Are there other agency reports?
47 Any other new business -- well, we have (C) Control Lake
48 Project. Mim handed out piles of paper.

49
50 MS. McCONNELL: Yeah, there was a letter and a

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1 resolution.

2

3 CHAIRMAN GARZA: Okay, what does the letterhead start
4 with?

5

6 MS. McCONNELL: It's just one of these.

7

8 CHAIRMAN GARZA: Okay, got it.

9

10 MS. McCONNELL: And this is the resolution, like so.
11 And it's just what Mark Wheeler was talking about from SEACC.
12 I personally don't have much knowledge of it. I just heard
13 about it within the last week or so. And apparently I've got a
14 copy of a newspaper article that quotes Bill, William Thomas,
15 Sr., spoke in favor of Alternative 10, the one developed by the
16 Control Lake Citizen's Coalition made up of environmental
17 organization representatives, independent timber contractors
18 and POW residents. He said that alternative is marginally
19 acceptable. He said Klawock/Hydaburg and Craig Tribal Councils
20 support Alternative 10, and it goes on. Actually he's quoted
21 further down also, Prince of Wales Island has endured much
22 exploration of resources, Thomas said. He asked the Forest
23 Service to harvest elsewhere. So there seemed to be support
24 from a lot of different communities and individuals and
25 organizations and it looked a lot better than all the other
26 alternatives and especially better than the one that the Forest
27 Service is preferring. So I offer this to the Council to take
28 action on if they so desire. And I've got the work done for
29 you here.

30

31 CHAIRMAN GARZA: Okay. So we have a draft letter and a
32 draft resolution regarding Control Lake.

33

34 MS. McCONNELL: Um-hum.

35

36 CHAIRMAN GARZA: I know that this topic was brought up
37 to us when we met in Craig, actually by several members from
38 Klawock, and so this has been before us before. We also have
39 our Chairman who's gone out on a limb and supported it so we
40 have to get behind him and act like we support him, I guess.

41

42 MS. McCONNELL: I might just add that the resolution is
43 almost verbatim from the Klawock resolution. I think I just
44 added one other paragraph on the end there, one extra whereas.

45

46 MR. THOMAS: How come you didn't put it on letterhead?

47

48 MS. McCONNELL: Because I didn't have any letterhead.

49

50 MR. THOMAS: Why don't you have letterhead?

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1 MS. McCONNELL: What?

2

3 CHAIRMAN GARZA: Because she'd go wild.

4

5 MS. McCONNELL: Fred's got it on the computer.

6

7 MR. THOMAS: Good.

8

9 CHAIRMAN GARZA: John.

10

11 MR. VALE: Move to adopt the letter and resolution.

12

13 MS. McCONNELL: Second.

14

15 CHAIRMAN GARZA: Move to adopt the letter and
16 Resolution 98-01, a resolution requesting the U.S. Forest
17 Service manage the Control Lake project area under the
18 specifications of the 11 mile and Citizen's Alternative has
19 been so moved. Is there a discussion?

20

21 MR. THOMAS: Question.

22

23 CHAIRMAN GARZA: Question has been called. All in
24 favor signify by saying aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN GARZA: Opposed.

29

30 (No opposing responses)

31

32 CHAIRMAN GARZA: Mr. Thomas you will sign this letter
33 and forward it on.

34

35 MR. THOMAS: After it gets on letterhead.

36

37 CHAIRMAN GARZA: After the letterhead is provided and
38 date it.

39

40 MS. McCONNELL: I had another issue here.

41

42 MR. THOMAS: Oh, man.

43

44 CHAIRMAN GARZA: Mim.

45

46 MS. McCONNELL: Another.....

47

48 CHAIRMAN GARZA: Just because it looks like we're
49 finishing before doesn't mean you can add a bunch of things on
50 at the last minute.

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1 MS. McCONNELL: No, no, no, this is one you told me to
2 bring up at this time.

3
4 CHAIRMAN GARZA: Okay.

5
6 MR. THOMAS: Oh, sure.

7
8 MS. McCONNELL: Because I think there was a couple. We
9 had talked briefly about a letter commenting on the roadless
10 issue. I think we need to -- I'm not -- I don't have any kind
11 of a draft written or anything. But the fact that the Tongass
12 is being exempted from -- in other words, right now, the way it
13 stands, new roads could be built in the Tongass. And I think
14 that it would be good if we wrote a letter saying that we don't
15 like that.

16
17 CHAIRMAN GARZA: So it was President Clinton who
18 exempted Tongass from the roadless requirements for the Forest
19 Service? I remember it being on the news.

20
21 MS. McCONNELL: Yeah, it was on the news.

22
23 MR. CLARK: I can't remember if that was a
24 congressional exemption.

25
26 MS. McCONNELL: I think it was a congressional
27 exemption. I think that Clinton would have.....

28
29 CHAIRMAN GARZA: Maybe he supported it.

30
31 MS. McCONNELL:not exempted.

32
33 MR. GABRIEL: Yeah, he would have maintained there to
34 be no roads.

35
36 MS. McCONNELL: Right.

37
38 MR. THOMAS: Not only that, if they don't build roads
39 they're going to take their budget away from.

40
41 CHAIRMAN GARZA: No he supported it.

42 MS. McCONNELL: He supported no new road building.

43
44 CHAIRMAN GARZA: He supported the exclusion of Tongass
45 from that requirement.

46
47 MS. McCONNELL: Did he?

48
49 CHAIRMAN GARZA: That was on the news.

50

00300

1 MS. McCONNELL: Okay.

2

3 CHAIRMAN GARZA: Anyway, the intent would be that we
4 would.....

5

6 MR. WILSON: It was a compromise. It was a deal.

7

8 MR. THOMAS: You're kidding.

9

10 CHAIRMAN GARZA: And for Salena, please let us know who
11 you are, we'd like to know, too, but she needs to.

12

13 MR. WILSON: Curt Wilson, I'm with BLM. It was a deal.
14 Basically it was just a deal between the Alaska Delegation and
15 I don't know whether Clinton was involved, but at least the
16 Secretary, where they just cut the deal.

17

18 MR. THOMAS: According to the news he's been involved.

19

20 MS. McCONNELL: So maybe we can work on getting some
21 more of the facts, SEACC could probably help and draft a
22 letter. So do we want a motion to that effect?

23

24 CHAIRMAN GARZA: So the motion to.....

25

26 MS. McCONNELL: To send a letter to whoever protesting
27 the exemption of the Tongass from the roadless -- I don't have
28 all the right words, somebody help me here? Pardon?

29

30 MR. JOHNSON: There was a roadless moratorium that was
31 placed that a deal which was struck between the administration
32 and Congressional delegation which the Tongass was one of
33 several forests that were exempted, we were not the only one.

34

35 MS. McCONNELL: Okay.

36

37 CHAIRMAN GARZA: So there was a road moratorium?

38

39 MS. McCONNELL: Yes. A road moratorium.

40

41 CHAIRMAN GARZA: A moratorium on roads.....

42

43 MR. JOHNSON: A road moratorium for construction of new
44 roads.

45

46 CHAIRMAN GARZA: Right, okay. And Tongass was excluded
47 from that moratorium?

48

49 MS. McCONNELL: From that moratorium?

50

00301

1 MR. JOHNSON: I believe it's a 90 day or a 180 day, I'm
2 not sure of the exact amount of time that they will review what
3 those implications have for not constructing roads. I'm not
4 sure what all they're assessing, but that's what they're doing
5 during the comment period.

6
7 MS. McCONNELL: Actually I think the comment period was
8 sometime later this month. I think the comments are due
9 by.....

10
11 MR. JOHNSON: It's my understanding they've been
12 extended but I could be wrong about that, too.

13
14 MS. McCONNELL: Oh, that might be.

15
16 MR. THOMAS: Was it building the roads or subsidizing
17 the building?

18
19 CHAIRMAN GARZA: Building.

20
21 MR. JOHNSON: It's my understanding the actual
22 construction of new roads. Now, there may be some other
23 provisions, too, but no new construction of roads.

24
25 MR. THOMAS: Um-hum.

26
27 MR. JOHNSON: In "roadless" areas.

28
29 CHAIRMAN GARZA: Fred.

30
31 MR. CLARK: Madame Chairman, there was actually a
32 public meeting going on during the same time we were having our
33 public meeting on that topic here in Ketchikan. There may be
34 some materials that were produced for that meeting that would
35 be of value to the Council, and if there are I will provide
36 those to the Council.

37
38 CHAIRMAN GARZA: Great.

39
40 MS. McCONNELL: Good.

41
42 MR. CLARK: The rationale that is given behind
43 exempting the Tongass National Forest and the other forests as
44 David Johnson mentioned was that these are forests that have
45 recently completed their new land management plans. So that
46 the extension of that rationale is that the plan to build new
47 roads was recently considered in their new way of thinking
48 about doing land management planning, so therefore, they aren't
49 in the old motive of building roads.

50

00302

1 CHAIRMAN GARZA: John.

2

3 MR. VALE: I believe that Mark Wheeler, from SEACC when
4 he testified earlier asked us to support the position that no
5 roads be built until the appeals are heard.

6

7 MS. McCONNELL: Right.

8

9 MR. VALE: And that seemed like a reasonable request to
10 me so I would suggest that our comments be framed around that.

11

12 CHAIRMAN GARZA: Okay. Gabriel.

13

14 MR. GABRIEL: Yeah, what I was going to say was that I
15 would refrain from making any -- writing any letters until we
16 know what we're talking about or have something that we can
17 read and respond to so -- but John brought up a -- some
18 information and if that's true then I wouldn't mind going on
19 that, but I would not vote on anything that we don't have any
20 information on and come out not smelling like a rose.

21

22 CHAIRMAN GARZA: Okay. So Fred, you will check on
23 materials from the previous meeting and get it out to us?

24

25 MR. CLARK: Yes.

26

27 CHAIRMAN GARZA: Okay, Patti.

28

29 MS. PHILLIPS: I won't be supporting any letter unless
30 I know the contents and reasons why also.

31

32 CHAIRMAN GARZA: Okay.

33

34 MS. McCONNELL: My assumption was that a draft letter
35 would go out to everybody before anything final happens.
36 That's what we've always done in the past, so, okay?

37

38 CHAIRMAN GARZA: Yes, sounds good.

39 MS. McCONNELL: With a fact sheet.

40

41 CHAIRMAN GARZA: Do we have anything else under new
42 business?

43

44 MS. McCONNELL: Yeah.

45

46 CHAIRMAN GARZA: Mim.

47

48 MS. McCONNELL: The one other one was the protection of
49 subsistence areas. And there's -- I think what I wanted to
50 comment on that was again, it concerns the lands that have been

00303

1 selected but not conveyed. And I don't know -- I'd like to
2 deal with that issue but I'm not sure what the best way is to
3 deal with it. I think it could be kept very general, maybe
4 even in the annual report maybe it could be spoken of and just
5 saying that we were under the impression that lands that were
6 protected and were told in TLMP were protected, we have always
7 assumed that that would be the case and now we're finding out
8 that that was not true. And that there's -- here we see this
9 map that I've never seen before showing that there's land
10 that's been selected that I thought was protected under TLMP
11 but it's not. And so I don't know, once again, how that would
12 be phrased. But I'm not happy about the situation and I think
13 that we need to deal with it somehow.

14
15 CHAIRMAN GARZA: So was that the issue where we had
16 these -- led to these designations and then our Congressional
17 Delegation decided that those led to designations should be
18 available for these selections?

19
20 MS. McCONNELL: No, no, this is different.

21
22 CHAIRMAN GARZA: Okay.

23
24 MR. VALE: What I would suggest on that, Madame Chair,
25 is that in our annual report we request from the Forest Service
26 information about how they intend to handle that issue
27 with.....

28
29 MS. McCONNELL: That's a good idea.

30
31 MR. VALE:areas that were identified with habitat
32 -- you know, land prescriptions that protected the areas being
33 selected by the corporations and how they intend to deal with
34 that in the plan.

35
36 MS. McCONNELL: That's good.

37
38 MR. VALE: And the implementation of the plan so that
39 they could provide us with the information. And that's what I
40 would suggest, that we address it in that manner in the annual
41 report.

42
43 MS. McCONNELL: That sounds good. And then the only
44 other thing -- oh, sorry.

45
46 CHAIRMAN GARZA: Gabriel.

47
48 MR. GABRIEL: Yeah, I don't -- you know, like I said I
49 looked at most of northern and southeast in terms of maps and
50 lands designations as to who owns or is filing for what, and

00304

1 that map is real inaccurate. There's a lot of things that
2 aren't on there, there are some things that are on there that
3 are not supposed to be on there. There was Native allotments
4 on there, there's State of Alaska, City and Borough of Juneau,
5 Sea-Alaska, I don't know who all's on there, and it doesn't say
6 who's on there. So I don't know what we're dealing with and
7 unless you're willing to sit down and go through and identify
8 those areas where Sea-Alaska's going to select and -- or has
9 selected and has been conveyed, then I don't know what we're
10 talking about or whether we're chasing something that -- not
11 that it's a minor thing, but I don't know what's going on with
12 the map. I do know it's not accurate.

13

14 CHAIRMAN GARZA: Okay.

15

16 MR. GEORGE: I do know that I've gone through it.

17

18 MR. THOMAS: Were you referring to corporation land,
19 Mim?

20

21 MS. McCONNELL: I'm.....

22

23 MR. THOMAS: Or State land?

24

25 MS. McCONNELL:referring to land that has been
26 selected by Native corporations.

27

28 MR. THOMAS: Oh, okay.

29

30 MS. McCONNELL: That was selected through ANCSA.

31

32 MR. THOMAS: Okay.

33

34 MS. McCONNELL: I'm not talking about recent things,
35 I'm talking about -- like that map up there is dated back some
36 time.

37 CHAIRMAN GARZA: Okay. I would suggest that if we are
38 successful in getting a retreat that this would be part of it
39 because we would want to look at how the lands throughout
40 Southeast are being used or being designated for the future.
41 How that fits in with c&t's and how that fits in with our
42 obligation to protect subsistence.

43

44 MS. McCONNELL: Okay. One thing about that though is
45 -- and I don't know, maybe John should speak to his about the
46 Yakutat area, that there's supposed to be logging starting on
47 the Situk River this summer.

48

49 MR. VALE: Well, I don't know that that's the case.
50 The situation is Sea-Alaska is making selections, they're not

00305

1 finalized yet. That's what that map is about. But I think
2 that we should just pose the question, how are these selections
3 going to effect the Tongass Land Management Plan. And you
4 know, we don't have to look at that map or anything, we just as
5 the Forest Service for that information. We could do so in our
6 annual report or we could do so separately in a letter.

7
8 Looking at the map, myself, I see for example, Misty
9 Fjords is on the Tongass Land Management Plan as blue in a
10 protected wilderness status, yet looking on the selections I
11 see Sea-Alaska has got a huge selection in there. So there are
12 protected areas that are being selected. And so I think it
13 would be good for us to understand how that is going to impact
14 the implementation of the plan. And so I think we could ask
15 for that information and not take a position on anything, but
16 just request that information. We could do so in the annual
17 report or in a separate action.

18
19 MS. PHILLIPS: Yeah, they have to answer the annual
20 report.

21
22 MR. VALE: Um-hum.

23
24 CHAIRMAN GARZA: Okay. So we'll include it in the
25 annual report so somebody has to answer it. So the question
26 would be, how will the process of designating the conveyed but
27 not yet selected lands effect subsistence uses in those areas?

28
29 MR. VALE: Yeah. How does it effect, basically, the
30 land prescriptions, you know, that protect wildlife. You know,
31 how do those Sea-Alaska selections effect the plan and those
32 land prescriptions that, you know, are effected by those
33 selections.

34
35 CHAIRMAN GARZA: Is that okay?

36 MS. McCONNELL: Dave's got something.

37
38 MR. JOHNSON: Madame Chairman.

39
40 CHAIRMAN GARZA: Dave.

41
42 MR. JOHNSON: If I might, Dave Johnson, when you're
43 making your request be as specific as you can about exactly
44 what you want on these maps because we can get you just about
45 anything you want. It's kind of like going to Baskin &
46 Robbins, if you want ice-cream, make sure you tell us the exact
47 flavor because we can provide it. Jeff mentioned earlier, was
48 interested in knowing the exact road system on Prince of Wales
49 and the Native selections in terms of acres that I mentioned
50 earlier yesterday of 220,000 acres is closer to 300,000 acres.

00306

1 So I wanted to correct that also. But anything else that you
2 have with respect to habitat or second growth, that information
3 we'd probably have.

4
5 CHAIRMAN GARZA: Okay, Gabriel.

6
7 MR. GABRIEL: Have you looked at that map and do you
8 have any explanation as to why it's such a mixed bag?

9
10 MR. JOHNSON: I haven't looked at the map, but my guess
11 is that the map that we are looking at here, possibly, I don't
12 know who provided that map, but it may be one of the older
13 vintage maps. There's a number of things that were changing as
14 the Forest Plan, TLMP was coming out, I mean literally, daily,
15 if things were changing on the map in terms of colors and in
16 terms of prescriptions. They were things that had been planned
17 for a long time but they didn't get transplanted into the GIS
18 system that was to be the corporate record, if you will, or the
19 library that housed the final information that was going to go
20 into the final map for the final plan. So with respect to
21 that, I can't say, but there are a number of selections that
22 have been made that have not been conveyed. So if you're
23 really interested in looking at a specific area to know whether
24 or not it's in a certain type of ownership, the best place to
25 go is to the district or unit closest to your area. If you
26 had a question about something in Angoon go to the Admiralty
27 Monument there in Juneau or a question in Sitka, you would go
28 to the district office and they could probably tell you on
29 their local map what the status is of that piece of ground.

30
31 MR. GABRIEL: But you have no idea where that
32 information came from?

33
34 MR. JOHNSON: I can't speak to the information on that
35 map back there, no.

36
37 MR. GABRIEL: Because it has, like I said, allotments
38 as Sea-Alaska has staked, as village -- and I don't know what
39 else it has.

40
41 CHAIRMAN GARZA: Fred.

42
43 MR. ANDERSON: Dolly.

44
45 CHAIRMAN GARZA: Lonnie.

46
47 MR. ANDERSON: I'm going to have to shove off, I have a
48 Council meeting coming up in a half an hour so.....

49
50 CHAIRMAN GARZA: Okay.

00307

1 MR. GEORGE: Is that a move to adjourn?

2

3 CHAIRMAN GARZA: Is there any parting comments?

4

5 MR. ANDERSON: No. Wherever you have the next meeting,
6 I would approve.

7

8 MR. VALE: I got your proxy?

9

10 MR. ANDERSON: You have my proxy.

11

12 CHAIRMAN GARZA: Hey, I'm going to talk to Marilyn
13 about that.

14

15 MR. ANDERSON: Alrighty.

16

17 CHAIRMAN GARZA: Okay. Well, thanks for staying on the
18 phone, I know that it's really difficult to do these meetings
19 by teleconference but we've certainly needed your participation
20 in the meeting and we hope that you got enough out of it
21 through this crazy phone system that it was worth your time,
22 Lonnie.

23

24 MR. ANDERSON: It was. And I was able to write a few
25 letters in between.

26

27 MR. GABRIEL: Did you tell him what the proposed place
28 is next?

29

30 MR. ANDERSON: All right. Everyone take care and have
31 a safe trip home.

32

33 MR. THOMAS: See you later, Lonnie.

34

35 MR. GEORGE: Lonnie.

36

37 MR. ANDERSON: Yes.

38

39 CHAIRMAN GARZA: The two options for the next meeting
40 are Haines and Angoon. And Angoon may be conceding because
41 Haines has submitted their request earlier.

42

43 MR. ANDERSON: Haines at the upper end of Lake Canal,
44 that sounds interesting, no problem.

45

46 CHAIRMAN GARZA: Okay.

47

48 MR. GEORGE: I'll remember that Lonnie.

49

50 MR. ANDERSON: I would rather go to Angoon than Haines,

00308

1 seeing's as Marilyn is not there. Alrighty, bye-bye.

2
3 CHAIRMAN GARZA: Bye-bye.

4
5 MR. CLARK: Madame Chair.

6
7 CHAIRMAN GARZA: Fred.

8
9 MR. CLARK: This guy walked through the door a little
10 while ago, my first thought was Roadkill but I couldn't decide
11 whether it was the guy or the bag he was carrying. So I would
12 like him to explain what he was carrying.

13
14 MR. JOHNSON: Well, I just brought some things for
15 folks to snack on, I thought people might be a little hungry.
16 I don't know what they had from the Salvation Army for lunch
17 today.

18
19 MS. McCONNELL: Wow, what a guy Roadkill.

20
21 CHAIRMAN GARZA: We can go for another two hours now.

22
23 MR. THOMAS: Oh, yeah.

24
25 MR. JOHNSON: There's no tracks on it either, no tire
26 marks or gravel.

27
28 CHAIRMAN GARZA: You shouldn't have fed us, we'll never
29 get out of here now.

30
31 MR. JOHNSON: I guess just briefly, I don't know about
32 on the agenda, Madame Chairman, but from agency reports, I
33 wanted to express appreciation to the Council for the time that
34 you folks take out of your busy schedules, sacrifices that you
35 make to come together to discuss issues important to
36 subsistence. I can say that because in addition to being a
37 bureaucrat, I'm also a rural user. I live on Prince of Wales,
38 I live in Unit 2 and the things that go on there are important
39 to me. I would also express appreciation to you because of the
40 discussion that took place last year about Unit 2 was part of
41 the reason for having some fairly good information, I think,
42 from the agencies, particularly State Subsistence Division and
43 State Conservation Division, and I would just encourage you as
44 a Council to continue to do the things you're doing because
45 it's funny how if somebody needs answers to questions, if the
46 Council says they need them the money tends to show up.

47
48 So again, thanks for your efforts in the work that
49 you're doing for subsistence.

50

00309

1 CHAIRMAN GARZA: Well, we appreciate the logistics
2 support you've given us in the last couple of days on getting
3 us here and there and making sure we have few unmet needs. And
4 we really thank you for the roadkill.

5
6 MR. JOHNSON: Also I would add, I don't know what
7 people's plans are tonight but I will be available with the
8 vehicle to continue to get people to the airport and I'll also
9 be around tomorrow. So if you're not going back until
10 tomorrow, I'll be more than glad to help out with that.

11
12 CHAIRMAN GARZA: Mim.

13
14 MS. McCONNELL: I just wanted to add one more thing to
15 the annual report and that is -- it's real brief. I would make
16 a request that Staff stay here until the Council meeting is
17 done. It's really hard to do business without our Staff here.
18 And we have things that are just as important at the end of our
19 meeting as they are in the beginning.

20
21 CHAIRMAN GARZA: Salena needs that bag.

22
23 MR. VALE: I don't know if that's an annual report item
24 but we can communicate that to.....

25
26 CHAIRMAN GARZA: Probably Rachel, too.

27
28 MR. NICKERSON: There's not much left.

29
30 CHAIRMAN GARZA: No, there's tons left. I concur with
31 you, Mim.

32
33 MS. McCONNELL: John was just pointing out it may not
34 be an annual report item, I don't know. Somehow it really
35 needs to get conveyed because this happens a lot and it's
36 frustrating. I understand how they feel, I think we should
37 probably leave right after proposals, too. However, since we
38 have to stay, I think they should, too.

39
40 CHAIRMAN GARZA: John.

41
42 MS. McCONNELL: And I really commend the guys that are
43 still here.

44
45 (Applause)

46
47 MR. VALE: Madame Chair, moving on, hearing that Gabe
48 is willing to relent on the meeting in Angoon and Marilyn
49 expressed a strong interest to me in Yakutat that she'd really
50 love to have the Council come to Haines. I would like to move

00310

1 that we hold our next Council meeting the first week in October
2 in Haines.

3
4 MS. McCONNELL: Second.

5
6 CHAIRMAN GARZA: Okay. We did have a calendar that was
7 given out to us. It's been moved and seconded that the fall
8 meeting be held the second week of October in Haines.

9
10 MS. McCONNELL: Can I add something to that motion?

11
12 CHAIRMAN GARZA: Mim.

13
14 MS. McCONNELL: We had mentioned the possibility of
15 holding the retreat prior to the next Council meeting, and so I
16 would maybe add that to the motion that that be held prior or
17 maybe it doesn't need to be in there, I don't know.

18
19 MR. VALE: Well, we could meet one day in advance of
20 the meeting for our retreat, that might help us focus on our
21 proposals and whatnot, in doing business.

22
23 CHAIRMAN GARZA: Patti.

24
25 MS. PHILLIPS: I would encourage we start our meetings
26 on a Tuesday because if I want to get to a meeting -- to get to
27 this meeting I would have had to leave on Saturday because
28 there's no scheduled flights on Sunday.

29
30 CHAIRMAN GARZA: Okay.

31
32 MR. VALE: What's the calendar look like Dolly?

33
34 CHAIRMAN GARZA: I think everybody got one, the second
35 week of October, does that mean October 5th when there are
36 already two other Regional meetings scheduled or October 12th,
37 which is the beginning of the AFN Convention?

38
39 MR. VALE: Well, we don't want to meet at that time.

40
41 CHAIRMAN GARZA: Okay.

42
43 MR. VALE: Let's go with the 6th then, Tuesday.

44
45 CHAIRMAN GARZA: Okay. So the concern there is if we
46 have the same Federal Staff and they will either be showing up
47 late or leaving early because they'll be going off to other
48 regions.

49
50 MS. MASON: No.

00311

1 MR. CLARK: No.

2
3 MS. MASON: We don't have anything else scheduled that
4 week.

5
6 CHAIRMAN GARZA: I have Western Interior and the Yukon?

7
8 MR. THOMAS: They got other Staff people.

9
10 CHAIRMAN GARZA: Okay.

11
12 MS. MASON: There isn't any overlap with Staff.

13
14 CHAIRMAN GARZA: Okay. There's a motion to meet in
15 Haines the week of October 5th, making sure that we start the
16 meeting so that Patti can get in at a decent time instead of
17 having to come in way early in order to make it so it would
18 likely start October 6th.

19
20 MS. PHILLIPS: That would be good.

21
22 MR. VALE: We can figure on the day of the 6th as a
23 retreat and 7th and 8th for taking care of business.

24
25 MR. CLARK: Part of that depends on how much business
26 there is to do.

27
28 MR. VALE: Yeah.

29
30 MR. CLARK: By then we will know if you have fish to
31 deal with.

32
33 MR. VALE: Um-hum.

34
35 MR. CLARK: So I would suggest you plan for a longer
36 time rather than a shorter time at this point because you can
37 always curtail it -- shorten it. And have planned the 6th as
38 arrival and start the retreat and then continue the retreat on
39 Wednesday and then meet for the next two or three days.

40
41 CHAIRMAN GARZA: Okay. For the second week of October,
42 final dates depending on travel needs and the outcome of the
43 State legislature in regards to subsistence. If we have
44 fisheries it could be a very long first meeting. Gabriel.

45
46 MR. GEORGE: Yeah. I'd like for -- I mean there was
47 some talk about Angoon reneging and I'd like to emphatically
48 state that I had -- I did not invite you guys to Angoon. It's
49 the ANB and ANS that invited you folks to Angoon and I'm not
50 speaking on their -- or reneging on their behalf, so I would

00312

1 like it to be clear on the record that that is the case.

2

3 MR. VALE: Will you tell them we'll take a raincheck,
4 Gabe?

5

6 MR. GEORGE: Oh, yeah, you know, I would hope that the
7 Chair would call them and thank them for their invitation and
8 maybe say that, you know, we're next on the list if, indeed,
9 that's the case. I know Marilyn had it that way before and I'd
10 appreciate that same.....

11

12 MR. THOMAS: 1999.

13

14 MR. GEORGE:respect for the next meeting after
15 that.

16

17 CHAIRMAN GARZA: Okay.

18

19 MR. GEORGE: Yeah, okay.

20

21 MR. THOMAS: But tell them we'll be glad to be there in
22 '99.

23

24 MR. GEORGE: Right, right.

25

26 CHAIRMAN GARZA: Yes.

27 MR. GEORGE: But I would appreciate the next meeting
28 for consideration. But it has to be on record that I didn't
29 invite you guys.

30

31 CHAIRMAN GARZA: Okay. Gabriel did not invite us to
32 Angoon, keep that in mind. Okay, so that's.....

33

34 MR. GEORGE: But when you come you're invited to go
35 through Joanne George's studio.

36

37 CHAIRMAN GARZA: Okay. Comments by public, agencies,
38 Staff and Council members. Michelle, we'll just start there
39 and go this way, any comments?

40

41 MR. CLARK: I don't think Michelle knows about this
42 ritual.

43

44 CHAIRMAN GARZA: We're glad to have you here. We'll
45 come back to you, we'll start with Fred.

46

47 MR. CLARK: Dave started talking about the amount of
48 time and effort that the Council puts into this as a volunteer
49 group, it's pretty astounding. I'm always amazed at the volume
50 of stuff that I send to you people and you read it, or most of

00313

1 you. You do a really good job of not just reading it, but
2 analyzing and coming to the table with valuable information
3 that goes into the decision-making process, I'm always amazed.
4 So I wanted to thank you for making my job, not just easier,
5 because it doesn't make it easier, but it makes it very
6 enriching. And I really, really enjoy working with you.

7
8 The other thing I wanted to talk about just briefly is
9 the Federal and State Staff specifically, who work to put the
10 information together for you to review. Sure, they're paid
11 staff it's their job to do this stuff, but they put an
12 incredible amount of heart and their own time into it. A lot
13 of these people are putting in extra days, weekends, nights for
14 months on end with no break, you know, to get this together, to
15 pull off for the Councils around the state. It also ceases to
16 amaze me the amount of dedication and intensity of emotion that
17 they put into this work. And I just wanted to let you know
18 that I observe this first hand and that you have a large
19 volunteer force in the Federal employees and some of the State
20 employees.

21
22 That's all for today.

23
24 CHAIRMAN GARZA: Fred, I need to let you know that most
25 of us went over our packet while we sat and watched three
26 ferries leave without us from the Ketchikan airport. Patti.

27
28 MS. PHILLIPS: My community has recently gone through a
29 comprehensive plan development and we're nearing completion on
30 that. And the number one priority that they established was to
31 maintain their lifestyle. And part of maintaining that
32 lifestyle was to protect our subsistence resources. So I feel
33 pretty good about what we're doing here.

34
35 CHAIRMAN GARZA: John.

36
37 MR. VALE: It's a pleasure interacting with everyone
38 once again. And I find every time I come to one of these
39 meetings I learn more, and it's always a learning experience.
40 And I appreciate the -- I believe the open minds that we all
41 bring into the process. And I do appreciate the hard work that
42 the Staff does, and particularly our Federal Staff, it's
43 quality work and I appreciate the honesty and integrity that
44 goes in the development of the Staff reports. So once again,
45 it's a pleasure working with everybody.

46
47 CHAIRMAN GARZA: Mim.

48
49 MS. McCONNELL: Well, yeah, ditto. I always end up
50 being kind of tongue-tied when they get to this, but thanks

00314

1 everybody, it's been a pleasure. And at this point I think I
2 am going to go ahead and put my name in again. It's been kind
3 of strange not living in Port Alexander, I feel a little bit
4 removed from all of that but I still stay in touch and I'll be
5 back out in the Tongass all summer long cruising around
6 visiting communities in central Southeast.

7
8 And also I wanted to encourage you all to attend the
9 Tongass Community Future's Conference that I am helping to put
10 on in Sitka April 3rd, 4th and 5th. And if you can't come,
11 please pass the word on to people and encourage them to attend.
12 And if you have any questions about it, feel free to ask or
13 call me. Thanks everybody for your hard work.

14
15 CHAIRMAN GARZA: Herman.

16
17 MR. KITKA: I enjoy coming to work out our problems
18 even though we're disrupting the State Fish and Game and their
19 proposals, I still enjoy their company and working with all of
20 the advisory over here. So I guess that's all from this end.
21 I don't know if I'll get reappointed again for the next
22 section.

23
24 CHAIRMAN GARZA: Thank you, Herman. I guess I would
25 like to say it certainly has been a challenge chairing this
26 meeting. I appreciate your support in having me chair the
27 meeting, Bill, and Council members. I appreciate the support
28 of Staff and I particularly appreciate the support from the
29 public, who needs to come here and remind us of what we are
30 doing here.

31
32 Just some logistics, please clean up your mess when
33 we're done and also help Salena run all these wires back so we
34 don't walk out on her and leave her with a bunch of gear to
35 haul out. So if we could help the Staff cleanup when we're
36 done.

37
38 Bill.

39
40 MR. THOMAS: Pass to John for now.

41
42 MR. FELLER: Thank you. Yeah, I come to this meeting
43 always looking forward to it and I just had a little ways to
44 come from Wrangell, only 90 some miles but it seemed like it
45 was difficult to get here. I have mixed feelings about this
46 meeting because like I said, I always enjoy interacting with
47 everybody and I've been here since the beginning. I talked to
48 my coordinator for continuing education and he said we can't
49 even get together because you're traveling so much all the time
50 so he wants me to consider cutting back on my trips so I can

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1 actually do some classes out of the UAS-Outreach. And since
2 I'm up I might not go this time. And that's a somewhat sad
3 thing for me to do, you know. I know I'll miss everybody, but
4 I'll be watching what you're doing and I know there's a lot of
5 members that are coming in now that are really full of
6 enthusiasm and bring their background with them. And I know
7 this Council, if it does go into the Fed takeover, then you
8 guys will probably be in the driver's seat in fixing things up
9 to have more hands-on anyway. So I was hoping that we would
10 have that retreat so we could all be together one more time,
11 but okay, thank you, that's all I got.

12

13 CHAIRMAN GARZA: Gabriel.

14

15 MR. GABRIEL: Yeah, thanks. I guess I'm kind of
16 feeling like John here. I enjoy being part of the Regional
17 Council. I get enthusiastic, I get down, I get frustrated, I
18 get a lot of different things, you know. And I don't know, I
19 enjoy it, most of it. I felt a little bit down this time with
20 the exclusion, the inclusion, you know, broad different things
21 that happened to people around Angoon and Angoon and a lot of
22 different things. But I know that the people in Angoon will
23 address it when you come.

24 I might not have invited you to Angoon, but I'll
25 certainly invite you to my wife's art studio when you come, and
26 of course a tour around Angoon. And I think it's a neat place.
27 I was born there and I believe I'll probably die there. So I
28 appreciate and encourage you to look at it, like the oldtimer's
29 say, when you come, you're welcome, don't break the dish.
30 Thank you.

31

32 CHAIRMAN GARZA: Mary.

33

34 MS. RUDOLPH: I also have enjoyed working with the
35 group. I'm up for my position now so -- I've learned a lot
36 from the group since I got in. I remember when I first got to
37 the first meeting, I really felt inadequate, I really felt I
38 couldn't contribute anything, but I've learned so much from
39 this working group, they've really been a joy to work with.
40 There's never a lack of help from, whether it be the Staff or
41 the Council themselves, the -- more than one person is ready to
42 lend a helping hand or take us to where we have to go. And
43 this -- I've been traveling a lot for the IRA in Hoonah and
44 I've traveled for T and H and different organizations and I
45 think this has been one of the best groups I've ever traveled
46 with because I've never lacked for company or a ride to get to
47 where I have to go or needs being taken care of. I've met so
48 many nice people in the process. Like I told Ted last night,
49 we've always felt that Federal were people to be beware of or
50 to step aside from, and we find out now they're human and can

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1 work with us and listen to us and we're finally getting out of
2 the mode of mother-may-I, and getting into the mode of telling
3 our feelings and what we want done. So if I don't make it back
4 into the Regional Advisory Council, I just wanted everyone to
5 know how much I've enjoyed meeting everybody and working with
6 everybody.

7
8 I had mixed feelings about whether to put my name back
9 in of the community I come from -- well, I didn't think they'd
10 care less whether I did or not, has offered to help me with my
11 load of paperwork that I do because of my position in the IRA
12 and of being in this. So it kind of surprised me when I had
13 volunteers come forward and say they would volunteer to help
14 me. And it's been, like I said, a lot of learning experience
15 and if I don't make it in, it's been a pleasure to work with
16 all of you and to meet all of you and to be a part of this
17 group. I just want to thank everyone for being so helpful and
18 being so kind with the ones that weren't able to get around or
19 get their food to eat or answer their telephone.

20
21 CHAIRMAN GARZA: Thank you, Mary. Jeff.

22
23 MR. NICKERSON: Thank you, Madame Chair. First of all
24 I'd like to thank you for the job you've done on chairing the
25 meeting. I really did appreciate this meeting. And I will
26 tell you a little bit about myself.

27
28 I've been in politics since I was 19 years old. I have
29 sat across tables and argued with the mayor, you know, and I've
30 been on the other side, I've been the mayor. One thing I've
31 always done is I've always been there for the good of the
32 people. For 26 years I have sat there and I have listened to
33 the people and I tried to do what the people wanted. And I
34 think that I have because I -- I am really uncomfortable saying
35 this here because it's not my style, but I think I have been
36 listening to the people and I have been serving them because I
37 just went through an election again this last year. I've been
38 on the School Board since 1981, and I just got elected again.
39 I've served on the City Council, I've been the mayor and that's
40 what -- that's the way I do business, and I can -- when I was
41 done hollering at the mayor and we walked out the door that was
42 the end of it and that's the way -- that is the way I do
43 business also. So what I am going to say here, I am not -- you
44 know, I don't hold it against anyone, but I would like you to
45 take this into consideration next time.

46
47 When the doe season was put on Prince of Wales Island,
48 that was the reason I got on the Council. I felt that we
49 weren't being heard. I feel we're taking a gamble with Prince
50 of Wales Island, with all -- no matter what the scientists say,

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1 I feel we're taking a gamble and if we have a bad winter, the
2 losers are going to be Prince of Wales subsistence people and I
3 feel bad about that.

4
5 The way the decisions were made, I understand where you
6 were coming from, I understand why you did it and I respect you
7 for it. But this process we went through, we might have well
8 as been in Washington, D.C., because it was just like we were
9 unreachable by the people. We talked about Section VIII and it
10 was mentioned to me and I have it written down also, Section
11 801.5 says that local people have a strong say -- well, they
12 have a say because of personal knowledge of local conditions,
13 and we heard from a lot of people. But it was just like we
14 didn't hear them, you know. And I enjoy working with this
15 Council but I don't know if I'm comfortable enough to say I
16 want to be part of this process because I'm here for the
17 people, you know, so I'd like to wish you guys all the luck and
18 it's been a pleasure.

19
20 And before I do, I'd like to thank Dave, it is true, he
21 has been driving us around all over and he drove me around this
22 morning, you know, I needed to get some stuff. I sure do
23 appreciate it. He did the same thing in Yakutat, so I wanted
24 to say thank you.

25
26 CHAIRMAN GARZA: Mr. BLM.

27
28 MR. WILSON: I don't think I'm exactly Mr. BLM. But as
29 you know BLM doesn't have a lot of land down here but I was
30 advised to come down here because I was told this Council was
31 an interesting Council to watch and that I would probably learn
32 something while I was here and I have learned quite a bit. I
33 went to my first subsistence related meeting in 1976, and I
34 could see then that there was going to be a hard road to haul
35 for subsistence people. And I spent a lot of years keeping out
36 of it because my sympathies were not always with the people who
37 I was working for. But finally for one reason or another I got
38 lured into it. And I would like you to know that I respect
39 what you're trying to do and I wish you the best and this is
40 one of those trips that's sort of optional for me but I'll
41 probably come back and watch you do it again.

42
43 And, Mim, I agree with you, the Staff should be here
44 right to the bitter end.

45
46 CHAIRMAN GARZA: Thank you. Rachel, you're here.

47
48 MS. MASON: I'm here to the bitter end. I always look
49 forward to this Council and going to the Council meetings and I
50 feel that through the years we have gotten to work together

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1 better and better. And it's different from a situation where
2 I'm just providing technical advice and you're giving me
3 information but I really have a sense of working in cooperation
4 with you and that we're working together to resolve some of the
5 problems.

6
7 So I have a lot of respect and admiration for all of
8 you and it's been really great. Some specific things, I wanted
9 to thank Fred for putting on his anthropologist hat helping me
10 out with some of the proposals. I'm glad to hear that Mim is
11 going to reapply. And I'm going to miss John a lot. And I
12 hope that Mary decides to reapply again. I'll miss Jeff, too,
13 if I understood correctly that he's leaving. But I look
14 forward to more challenges in the future.

15
16 Thank you.

17
18 CHAIRMAN GARZA: Thank you, Rachel. Dave.

19
20 MR. JOHNSON: I guess I'll make a personal comment
21 first, Madame Chairman, with respect to Jeff's comment. I
22 think now more than ever regardless of how the deliberations of
23 the Council goes, that we need people on the Council that have
24 their heart in subsistence. And the reason I say that is this
25 is not the end, this is only the beginning of the things that I
26 heard Herman speak about in Yakutat last year, that Sitka has
27 already experienced. I'm not from here but I care very much
28 about Prince of Wales. Jeff is a good friend of mine and Jeff
29 cares about Prince of Wales. And whether it's a doe issue or
30 whether it's special forest products or whether it's salmon or
31 herring or sea asparagus or whatever it is, I just came back
32 from a session down in the Northwest and I want to tell you
33 there's a lot of people there that care about the resources
34 that folks have been able to enjoy here for thousands of years.
35 And that opportunity to subsist may not always be there. And
36 so I would just, again, pass on to you, and by the way I don't
37 have my agency hat on, I have my Roadkill hat on, and by that I
38 mean the work you do is important and it's going to get a lot
39 harder. So I would say to Jeff and I would say to all of you,
40 the work you do is not necessarily going to be popular, but
41 there's no work that's more important. And the people that you
42 represent have a lot of faith in you and I know none of you
43 take that lightly. And that's why I enjoy being a part of, a
44 small part of this Federal program, too. So I would just
45 encourage you to not get discouraged. There are many, many
46 positive things, like I said before that when I see the kind of
47 makeup that's on this Council, it's refreshing to me as a
48 bureaucrat; I'll put my bureaucrat hat back on to see something
49 that people care about enough to invest their lives in.

50

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1 And so I don't want to take much more time, but again,
2 I would just encourage you to keep on keeping on and not be
3 discouraged by one little blip on the scale. Generations from
4 now we'll talk about you as being those that cared enough to
5 care that they could be able to do the things that life's
6 memories are made of.

7
8 Thank you.

9
10 MR. SUMMERS: Madame Chairman, Council members. Once
11 again, I want to commend you on a fine meeting. I really
12 appreciated all the individual moments, conversations with you
13 over the last few days, it helped me better understand both the
14 Council and the concerns of your individual communities. I
15 want to thank Bill for hosting this meeting and the people of
16 Saxman for allowing us to use such a magnificent and wonderful
17 meeting place. I know when I pulled up in my rent-a-car and I
18 stepped out with this little snow falling and a bit of wind
19 coming off the water and I looked up, I had to focus twice
20 because I felt like I was just a small ant on the surface
21 outside looking up at this grand hall and the great art work on
22 this end of the building and it just put me in a humbling frame
23 of mind. And like I said, I want to thank you for giving me
24 this opportunity to attend this meeting, and to spend time with
25 you, thank you.

26
27 CHAIRMAN GARZA: Do you have any comments, Salena?

28
29 REPORTER: I just want to thank you for having me as
30 your Reporter once again and I'm looking forward to going to
31 Haines, and then Angoon.

32
33 CHAIRMAN GARZA: Thank you. Michelle.

34
35 MS. CHIVERS: I would just like to say thank you very
36 much for allowing me to participate and assist you all and it's
37 really interesting to watch a group of people work so well
38 together. And it's something that's a dying thing that you
39 guys are trying to protect and it's nice to see people out
40 there trying to do that, you know, protect their lifestyles
41 instead of letting it die. And a lot of people will just sit
42 back and watch other people try to do this and you guys are a
43 wonderful group of people fighting for it. And I appreciate
44 being able to work with other agencies and meet everybody, you
45 guys have all made it a wonderful trip for me and I appreciate
46 this opportunity and hope to be able to do it again. Thanks.

47
48 CHAIRMAN GARZA: Thanks, Michelle. Mr. Thomas.

49
50 MS. MASON: I just have one more thing to add. Madame

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1 Chair, I appreciate your indulgence. I got confused and I
2 forgot the rest of what I was going to say. I was extremely
3 happy when I came in and saw Bill looking like his usual,
4 feisty self. And I'm very happy that you were well enough to
5 come to the meeting, thank you very much for inviting us here.
6 I was also very impressed with Madame Chair's style of
7 operating and I thought that it was really great. Also I
8 wanted to thank Roadkill for driving us around all over the
9 place and.....

10
11 REPORTER: And the candy.

12
13 MS. MASON: What?

14
15 REPORTER: The candy.

16
17 MS. MASON:and the candy. Okay, thanks very
18 much.

19 CHAIRMAN GARZA: Okay, Mr. Thomas.

20
21 MR. THOMAS: Thank you, Madame Chairman. You folks
22 don't know how lucky I felt, even when I was in the hospital
23 knowing that this meeting would go on and go well, be
24 productive with informed capable leadership. I'm so proud to
25 have Dolly for a vice chair, she's been supportive, she's
26 always been there. But on the other hand, if something was
27 wrong with her, if she was laid up or couldn't be here, there
28 are other people that could have done a very good job in
29 leading this Council. That's the kind of talent we're blessed
30 with on this Council. The interaction here is matched by
31 nobody else. The sandpaper is just as rough as anybody else's
32 perhaps. But when we get through with the product it has a
33 good shine to it. It's something we can be proud of. We do
34 follow our conscious and we have a good conscious.

35
36 I also want to thank those of you that called, sent
37 cards, dropped by while I was laid up on a couple of occasions,
38 I really appreciate that.

39
40 With regard to caring about people on Prince of Wales,
41 when we first came about the doe consideration, it was a
42 proposal that came from Prince of Wales. We dealt with that
43 proposal with the same emotions, the same commitment, the same
44 support, the same non-support as we had this week. We have
45 said over and over again, there is a percentage of people out
46 there that need that extra protection and opportunity to
47 provide for themselves [sic]. There isn't another regulation
48 that's being watched or has a chance of being killed in an
49 emergency order as much as the antlerless deer allowance on
50 Prince of Wales. To eliminate the provision for doing so would

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1 not represent the discontinuing of harvesting antlerless deer.
2 Even today, seasons don't mean nothing. There are people that
3 need to hunt in January, March, May and they do. God bless
4 them. That's why the resource was put there. With proper
5 responsible management of those user groups that have a greater
6 impact on the resource would approach conservation like
7 subsistence does, there won't be a need for a priority. But
8 thank goodness for ANILCA, it's an umbrella that's very
9 appropriate. It's the only document that is responsible to
10 natural resources.

11
12 Take a look at the history of the state. Right now,
13 what do we have an abundance as a result of good management
14 from the State. An answer to that is very hardpressed to come
15 by. Everything is rape and pillage. Get as much as you can
16 get and get out of here. Look what happens to the sport
17 charter fishermen, look at the amount of fish that they leave
18 on the plains all summer long. Subsistence people don't get a
19 fifth of that or a third of that because they can't use that
20 much, but neither can the people taking them out in boxes.

21
22 And that population for deer on Prince of Wales is
23 watched very much. I was born on Prince of Wales, I probably
24 know Prince of Wales as good as anybody in this room. I follow
25 it, I am concerned, I try to be representative of it, I support
26 what the people out there ask for. Now, with relation to
27 Control Lake and trying to protect 11 Mile, I have done
28 everything but stand at the door with a gun in my hand to keep
29 the logging from happening over there. And if I thought that
30 would do it, I would do that. And I apologize for some of the
31 abrasiveness I probably used this time, but I feel very
32 strongly that if it wasn't for ANILCA we wouldn't be here. If
33 it wasn't for ANILCA, there wouldn't be the opportunities for
34 subsistence use of the resource out there like they enjoy now.
35 I think we're as knowledgeable, we're as scientific, we're as
36 eloquent and we absorb and understand as good as anybody that
37 has anything to do with the management of the resource. I
38 think our common sense is parallel by nobody. That I don't
39 apologize for.

40
41 Thanks to the Staff that continuously attend these
42 meetings. Peggy Fox, over there, it's always good to see you.
43 And Michelle, we're glad you had a chance to come down here, it
44 graces the end where Fred's sitting. And thank you all very
45 much, I think we had a good meeting. Have safe travels home
46 and we look forward to seeing you in Haines.

47
48 CHAIRMAN GARZA: I've asked Herman to say a closing
49 prayer.

50

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1 MR. KITKA: May we all rise. Lord, thank you for
2 bringing all the Advisory and the Staff to Saxman without any
3 problems. And Lord, be with all of them through the coming
4 year and bless each and every one of them and give them safe
5 journey home. Amen.

6
7 MR. THOMAS: Amen. Good job, Madame Chairman.

8
9 MR. GEORGE: Move to adjourn.

10
11 UNIDENTIFIED VOICE: Second.

12
13 CHAIRMAN GARZA: Okay, help clean up.

14
15 MR. THOMAS: Unanimous.

16
17 CHAIRMAN GARZA: Unanimous.

18
19 (Off record)

20
21 (END OF PROCEEDINGS)

22
23 * * * * *

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Reporter and Owner of Computer Matrix, do
hereby certify:

THAT the foregoing pages numbered 171 through 322
contain a full, true and correct Transcript of the Southeast
Federal Subsistence Regional Advisory Council, Volume III,
meeting taken electronically by Salena Hile on the 11th day of
March, 1998, beginning at the hour of 9:00 o'clock a.m. at the
Saxman Community Hall, Saxman, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed under my
direction and reduced to print by employees to the best of
their knowledge and ability;

THAT I am not an employee, attorney, or party
interested in any way in this action.

DATED at Anchorage, Alaska, this 22nd day of March,
1998.

JOSEPH P. KOLASINSKI
Notary Public in and for Alaska
My Commission Expires: 04/17/00